

2018

Town of Camden Maine Ordinances

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FLOODPLAIN MANAGEMENT ORDINANCE

FOR THE

TOWN OF CAMDEN, MAINE

ENACTED: January 9, 2018
Date

EFFECTIVE: January 10, 2018
Date

CERTIFIED BY: *Katrina Oakes*
Signature

CERTIFIED BY: Katrina Oakes
Print Name

Town Clerk
Title

Affix Seal

FLOODPLAIN MANAGEMENT ORDINANCE

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ARTICLE I—PURPOSE AND ESTABLISHMENT

Certain areas of the Town of Camden, 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 Camden, 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 Camden, 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 Camden has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Camden having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Camden, Maine.

The areas of special flood hazard, Zones A, AE and VE for the Town of Camden, Knox County, Maine, identified by the Federal Emergency Management Agency in a report entitled “Flood Insurance Study – Knox County, Maine,” dated July 6, 2016 with accompanying “Flood Insurance Rate Map” dated July 6, 2016 with panels: 75D, 90D, 160D, 176D, 177D, 178D, 179D, 181D, 182D, 183D, 191D, derived from the county wide digital Flood Insurance Rate Map entitled “Digital Flood Insurance Rate Map, Knox County, Maine,” 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 XIV), 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 except as provided in Article VII. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Camden, Maine.

ARTICLE III - APPLICATION FOR PERMIT

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

- A. The name, address and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;

- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.3. apply only to new construction and substantial improvements.]

- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or to a locally established datum in Zone A only, of the:
 - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zones AE and VE from data contained in the "Flood Insurance Study - Knox County, Maine," as described in Article I; or,
 - b. in Zone A:
 - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to Article VI.K. and IX.D.;
 - (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
 - (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.
 - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
 - 3. lowest floor, including basement; and whether or not such structures contain a basement; and,
 - 4. level, in the case of non-residential structures only, to which the structure will be floodproofed;

- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
- J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate
- K. The following certifications as required in Article VI by a registered professional engineer or architect:
 - 1. a Floodproofing Certificate (FEMA Form 81-65, 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 V-Zone Certificate to verify that the construction in coastal high hazard areas, Zone VE, will meet the criteria of Article VI.P.; and other applicable standards in Article VI;
 - 3. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;
 - 4. a certified statement that bridges will meet the standards of Article VI.M.;
 - 5. 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 set annually by the Select Board shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

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

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 - 1. the base flood and floodway data contained in the "Flood Insurance Study - Knox County, Maine," as described in Article I.;
 - 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article IX.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.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program 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 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, H, or P. 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.

For development that requires review and approval as a Conditional Use, as provided for in this Ordinance, the Flood Hazard Development Permit Application shall be acted upon by the Planning Board as required in Article VII.

- 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 X 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 VIII 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 to prevent water from entering or accumulating within the components during flooding conditions.

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

- C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. **On Site Waste Disposal Systems** – On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. **Residential** - New construction or substantial improvement of any residential structure located within:
1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B.; or Article IX.D.
 5. Zone VE shall meet the requirements of Article VI.P.
- G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:
1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B.; or Article IX.D., or

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

5. Zone VE shall meet the requirements of Article VI.P.

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

1. Zones AE shall:

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

2. Zone A shall:

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

5. Zone VE shall meet the requirements of Article VI.P.

I. Recreational Vehicles - Recreational Vehicles located within:

1. Zones A and AE shall either:

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

- b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
- c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.H.1.

2. Zone VE shall meet the requirements of either Article VI.I.1.a. and b., or Article VI.P.

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

- 1. have unfinished interiors and not be used for human habitation;
- 2. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
- 3. be located outside the floodway;
- 4. 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,
- 5. 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 Zone 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 Insurance Rate Map unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 2. In Zones AE and A riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

- b. is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.
- 3. In Zones AE and A riverine areas, for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

L. **Enclosed Areas Below the Lowest Floor** - New construction or substantial improvement of any structure in Zones A and AE 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 crawl spaces 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 XIV;
- 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 A, AE, and VE 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 A, AE, and VE 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, AE, and VE, 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.

P. Coastal Floodplains -

1. All new construction located within Zones AE and VE shall be located landward of the reach of mean high tide except as provided in Article VI.P.6.
2. New construction or substantial improvement of any structure located within Zone VE shall:
 - a. be elevated on posts or columns such that:
 - (1) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to one foot above the base flood elevation;

- (2) the pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and,
- (3) water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.

b. have the space below the lowest floor:

- (1) free of obstructions; or,
- (2) constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or,
- (3) constructed non-supporting breakaway walls that have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.

c. require a registered professional engineer or architect to:

- (1) develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the *Coastal Construction Manual*, (FEMA-55); and,
- (2) certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of Article VI.P.2.

- 3. The use of fill for structural support in Zone VE is prohibited.
- 4. Human alteration of sand dunes within Zone VE is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.
- 5. The area below the lowest floor shall be used solely for parking vehicles, building access, and storage.
- 6. Conditional Use - Lobster sheds and fishing sheds may be located seaward of mean high tide and shall be exempt from the elevation requirement in Article VI.G. only if permitted as a Conditional Use following review and approval by the Planning Board, as provided in Article VII, and if all the following requirements and those of Article VI.A., VI.K., and VI.L. are met:
 - a. The conditional use shall be limited to low value structures such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.

- b. The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
- c. The structure will not adversely increase wave or debris impact forces affecting nearby buildings.
- d. The structure shall have unfinished interiors and shall not be used for human habitation.
- e. Any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or floodproofed to one foot above the base flood elevation.
- f. All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and when possible outside the Special Flood Hazard Area.

ARTICLE VII - CONDITIONAL USE REVIEW

The Planning Board shall hear and decide upon applications for conditional uses provided for in this Ordinance. The Planning Board shall hear and approve, approve with conditions, or disapprove all applications for conditional uses. An applicant informed by the Code Enforcement Officer that a Conditional Use Permit is required shall file an application for the permit with the Planning Board.

A. Review Procedure for a Conditional Use Flood Hazard Development Permit

- 1. The Flood Hazard Development Permit Application with additional information attached addressing how each of the conditional use criteria specified in the Ordinance will be satisfied, may serve as the permit application for the Conditional Use Permit.
- 2. Before deciding any application, the Planning Board shall hold a public hearing on the application within thirty days of their receipt of the application.
- 3. If the Planning Board finds that the application satisfies all relevant requirements of the ordinance, the Planning Board must approve the application or approve with conditions within 45 days of the date of the public hearing.
- 4. A Conditional Use Permit issued under the provisions of this Ordinance shall expire if the work or change involved is not commenced within 180 days of the issuance of the permit by the Planning Board.
- 5. The applicant shall be notified by the Planning Board in writing over the signature of the Chairman of the Planning Board that flood insurance is not available for structures located entirely over water or seaward of mean high tide.

B. Expansion of Conditional Uses

1. No existing building or use of premises may be expanded or enlarged without a permit issued under this section if that building or use was established or constructed under a previously issued Conditional Use Permit or if it is a building or use which would require a Conditional Use Permit if being newly-established or constructed under this Ordinance.

ARTICLE VIII - CERTIFICATE OF COMPLIANCE

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

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer
 1. an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, H, or P and,
 2. for structures in Zone VE, certification by a registered professional engineer or architect that the design and methods of construction used are in compliance with Article VI.P.2.
- 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 required certificate(s) and the applicant's written notification; and,
 2. upon determination that the development conforms to the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE IX - 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, 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 in order 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 X - APPEALS AND VARIANCES

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

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

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
1. a showing of good and sufficient cause; and,
 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
 3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,
 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,

- d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as is deemed 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 X 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 X, 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 X, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
 - 1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 - 2. such construction below the base flood level increases risks to life and property; and,
 - 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- G. Appeal Procedure for Administrative and Variance Appeals
 - 1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.

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

ARTICLE XI - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to other actions, the Code Enforcement Officer may, upon identifying a violation, submit a declaration to the Administrator of the Federal Insurance Administration requesting a flood insurance denial. 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 XII - 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 XIII - 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 XIV - 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 - a small detached structure that is incidental and subordinate to the principal structure.

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

Area of Special Flood Hazard - 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 – a flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Basement - area of a building that includes a floor that is subgrade (below ground level) on all sides.

Breakaway Wall - a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building - see **Structure**.

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

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

Conditional Use - a use that, because of its potential impact on surrounding areas and structures, is permitted only upon review and approval by the Planning Board pursuant to Article VII.

Containment Wall – wall used to convey or direct storm water or sanitary water from the initial source to the final destination.

Development – a manmade change to improved or unimproved real estate. This includes, but is not limited to, buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials.

Digital Flood Insurance Rate Map (FIRM) – see **Flood Insurance Rate Map**

Elevated Building - a non-basement building that is:

- a. built, in the case of a building in Zones A or AE, so that the top of the elevated floor, or in the case of a building in Zone VE, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
- b. adequately anchored to not 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 A or AE, **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. In the case of Zone VE, **Elevated Building** also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of Article VI.P.2.b.(3).

Elevation Certificate - an official form (FEMA Form 81-31, 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

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

Flood Insurance Rate Map (FIRM) - 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 Floodprone Area - 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 - 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 - 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 - the lines marking the limits of floodways on federal, state, and local floodplain maps.

Freeboard - 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, which could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

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

Historic Structure - means any structure that is:

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

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

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

Lowest Floor - 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 - 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 - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

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

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

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

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

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

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

Riverine - 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 - the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or

modification of any construction element, whether or not that alteration affects the external dimensions of the building.

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

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

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

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the 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 XV - 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 (e) Rev. 01/16

GENERAL ENFORCEMENT ORDINANCE

The purpose of this Ordinance is to provide an enforcement mechanism for any and all Ordinances duly adopted within the Town of Camden, which do not therein delegate a specific enforcement authority to issue notice of violation letters and subsequently prosecute ordinance violations.

1. **EFFECTIVE DATE:** This ordinance shall be effective upon adoption of the voters of the Town of Camden.
2. **AUTHORITY:** The following responsibilities for enforcement are allocated as follows:
 - a. The duly appointed Code Enforcement Officer of the Town of Camden is hereby authorized and shall enforce the Flea Market Ordinance, the Hawkers and Peddlers Ordinance, the House Trailer Ordinance and the Newspaper Vending Rack Ordinance, all as amended from time to time.
 - b. The Chief of Police or his authorized representative of the Camden Police Department is hereby authorized and shall enforce all parts and sub-parts of the Town of Camden Police Ordinance, as amended from time to time.
 - c. The duly appointed Code Enforcement Officer of the Town of Camden is hereby authorized and shall enforce all other Ordinances of the Town of Camden for which there is no specific enforcement officer identified therein.

This Ordinance shall not affect or modify enforcement authority previously established in any Ordinance of the Town of Camden or any State Law to the extent that it conflicts with the provisions of this Ordinance. The Code Enforcement Officer or the Police Chief, as described herein, are hereby authorized to issue Notices of Violation and to prosecute matters, either individually or in conjunction with the Town Attorney for the Town of Camden. Prosecution or defense of actions in District or Superior Court may proceed after it is authorized by the Select Board of the Town of Camden.

3. **PENALTIES:** The monetary civil penalties for violations of any Ordinance of the Town of Camden, which does not already specifically include a monetary penalty for violations therein, shall be as follows:
 - a. For violations of the terms and conditions of any such Ordinance there shall be a \$100.00 minimum penalty and the maximum penalty shall be \$2,500.00, with each day being a separate and distinct violation. Penalties shall accrue commencing three days after the date of issuance of a Notice of Violation from the office of the Code Enforcement Officer. Said notice shall be sent by regular mail at the last known address of the offender on file with the Town of Camden, or in hand, or by certified mail, return receipt requested.
 - b. In addition to the penalties provided herein, the Town of Camden through its duly

appointed representative and/or the Town Attorney, may bring an action in the Superior Court or the District Court to enjoin violations of all Ordinances of the Town of Camden, for collection of penalties, and for such other relief as may be provided by law, including Title 30-A § 4452, as amended from time to time.

- c. As an alternative, in part or in whole, to the penalty provisions as described in subsection 3(a), the Town and violator may negotiate a community service penalty and request the Court to issue an Order of Community Service after agreement of the parties.
- 4. **SEVERABILITY:** If any section, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.
- 5. **CONFLICT WITH OTHER ORDINANCES:** Whenever the regulations of this Ordinance conflict with those of another Ordinance or Regulation, the specific terms in any other Ordinance shall control over the terms of this Ordinance.

Adopted at the June 8, 2004 Annual Town Meeting.

**HARBOR AND WATERWAYS ORDINANCE
CHAPTER V**

**ADOPTED SPECIAL TOWN
MEETING June 13, 2017**

PREVIOUS REVISED DATES: SEE HISTORICAL NOTES

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ARTICLE I GENERAL PROVISIONS

Section 1. Jurisdiction

This ordinance has been enacted pursuant to the municipal home rule powers of Title 30-A, M.R.S.A., Section 3001 and pursuant to Title 38, M.R.S.A., Section 7; and the provisions of this ordinance shall be liberally interpreted in order to meet the objectives of those statutory sections.

Section 2. Purposes and Objectives

Camden Harbor is a valuable but limited resource, which has been subject to increasing demands on its limited water area for both recreational and commercial maritime uses and activities. The purposes and objectives of this ordinance are:

- A. To preserve and utilize the maritime nature of the harbor, including water borne commerce for Camden businesses, whether marine related or other wise and recreational boating.
- B. To minimize user conflicts and maximize the efficient use of both the water space and the townowned waterfront.
- C. To equitably distribute the burdens of harbor management and development among commercial marine enterprises, private vessel owners and the Town of Camden.
- D. To maintain consistency with the Camden Comprehensive Plan, the Maine State Coastal Policies and the policies of the United States Army Corps of Engineers.
- E. To prevent the further encroachment into Camden Harbor of landfill, wharfage, and construction except as permitted by this Ordinance.
- F. To govern and regulate navigation, the conduct of maritime activities, and the construction of piers, wharves, and breakwaters in, over, and upon the waters of Camden Harbor.
- G. To provide guidance on the use of the three separate areas of Camden harbor:

1. Inner Harbor

To preserve the limited water area of this natural resource by limiting and regulating further encroachment on, into or over the harbor waters, to preserve and maintain navigational channels and access to moorings and berthing areas for both commercial and recreational boating; to preserve existing mooring and berthing areas both public and private, commercial and recreational; to preserve public access to and use of the Harbor waters; and to encourage adjacent on-shore uses as water-dependent and marine-related activities.

2. Outer Harbor

To preserve and maintain navigational channels between the Inner Harbor and Penobscot Bay; to preserve existing mooring and anchorage areas and access thereto; to preserve water areas for future extensions of the mooring and anchorage areas; to preserve the commercial shell fishing areas and access thereto; to preserve and protect clamming flat areas; to provide for public access, including public vessel ramp and public pier facilities; to preserve areas for recreational boating activities; to insure and preserve the rights of public passage along the shores and flats.

3. Coastal Harbor

To preserve the commercial shell fishing areas along the shore and navigation to and through the said areas; to insure recreational boating along the shores.

Section 3. Harbor Boundaries and Uses

This ordinance shall apply to all land areas covered by the waters of Camden Harbor, including such land areas that are covered by those waters during part of a day and those land areas that are always covered by those waters. This ordinance shall also apply to piers, wharves and other structures extending from the shoreline over the land areas covered by water. The Camden Harbor boundary extends from the Camden-Lincolntonville town line southerly to the Camden-Rockport Town Line. For the purposes of these Harbor Rules and Regulations, the Harbor is divided into three areas, each with different uses (see Appendix F):

A. Inner Harbor

That area of Camden Harbor lying northerly of a line drawn from a monument at the easterly most point of the Yacht Club property on Bay View Street and running easterly across the Harbor waters to a monument located at the westerly end of the seawall in front of condominium lot, being Town of Camden Tax Map 124, Lot 13. This line is also depicted on the Town of Camden Official Zoning Map B.

Inner Harbor uses include navigational channels and access areas to wharves, piers, berthing, and mooring areas; mooring areas for both private and town-owned moorings; commercial and recreational vessels docking and landing facilities, both private and town-owned; berthing for commercial passenger vessels; other boating and mooring; and public access areas to the Harbor. The primary adjacent on-shore uses include town-owned Harbor Park and Public Landing areas; privately owned commercial and non-commercial maritime-related business and activities.

There shall be designated mooring areas in the Inner Harbor (see appendix H).

B. Outer Harbor

An area of water between the Inner Harbor as defined above and a line commencing at the beacon light at Northeast Point on Sherman's Point and running to the lighthouse Tower on Curtis Island and continuing to the easterly most point of Dillingham Point.

Outer Harbor uses include navigational channels for access to and from the Inner Harbor and Penobscot Bay; anchorage areas; mooring areas and access thereto; commercial shell fishing including lobster and crabbing; clamming; other boating and small vessel activities; public access for launching and hauling vessels; Curtis Island access, and sightseeing vessels. The primary adjacent on-shore uses are residential in nature; in addition, there are both private and public bathing beach areas.

In the Outer Harbor there shall be designated mooring and anchoring areas under the direction of the Harbormaster.

C. Coastal Harbor

Consisting of three areas as described below and extending seaward to the Town of Camden limits:

1. Commencing at the Camden-Lincolntonville Town line and running southerly to the beacon light at Northeast Point on Sherman Point;
2. Commencing at the beacon light at Northeast Point on Sherman's Point, running to the lighthouse Tower on Curtis Island and continuing to the easterly most point of Dillingham Point.
3. Commencing at the Camden-Rockport Town line and running northerly along the shore to the easterly most point of Dillingham Point.

Coastal Harbor uses include commercial fishing, shell fishing, navigation for fishing and shell fishing vessels and other vessel uses. The primary adjacent on-shore uses are residential in nature.

There shall be designated mooring areas in the Coastal Harbor areas.

Section 4. Channels

The channels for the passage of any vessel, to and from the Inner Harbor to the ocean shall be as follows:

A. A channel approximately 75 feet wide extending 1,500 feet from the Inner Harbor Line to the center of the Outer Harbor. The channel's southerly line, being a range commencing at a point at the easterly end of the wharf of the Camden Yacht Club to the day marker at the inner ledges off Northeast Point. The passage of vessels shall be through this channel. The channel shall be marked with suitable municipal channel markers from June 1 to September 15 annually.

B. There shall be channels on the east and the west side of the Inner Harbor, which said channels shall be at least 35 feet wide and which shall connect at the head of the harbor as shown on the town of Camden Harbor Map.

C. There shall be no anchoring in any channels as designated (in Appendix J) herein. Except circumstances deemed by the Harbormaster, nothing shall be allowed to block channels or to obstruct the passage of vessels to or from Camden Harbor through a channel.

ARTICLE II DEFINITIONS

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural and vice versa. As used herein, the following words and phrases shall mean:

Anchorage Area: An area of the harbor set aside for the temporary anchoring of vessels.

Aquaculture: Cultivation of aquatic animals and plants.

Breakwater: A structure placed into the waters for the principal purpose of breaking and reducing the force of waves.

Bulkhead: A permanent solid or semi-solid (porous) structure or wall along the shore to retain, stabilize, and protect the shoreline from wave other waterborne erosion.

Camden Harbor: All land areas covered by water at any state of the tide along the coastal shoreline, from the Camden-Lincolntown line southerly to the Camden-Rockport town line and extending seaward to the Town of Camden limits, including such land areas which are covered by water during part of a day and those land areas which are always covered by those waters. Camden Harbor includes the Inner Harbor, Outer Harbor and Coastal Harbor as described in Article 1, Section 3 and depicted in Appendix F

Channel: Designated waterway for the safe passage of vessels.

Coastal Harbor: As defined in Article I, Section 2.3

Commercial Marine Enterprise: A commercial enterprise engaged in marine activities primarily consisting of, but not limited to fishing, aquaculture, marine construction, sales, charter, building, service, harvesting of marine plants or animals, storage or maintenance of vessels.

Commercial Mooring: A mooring that generates business income or accommodates a commercial vessel.

Commercial Vessel: A vessel that generates significant business income.

Commercial Passenger Vessel: Vessels that carry passengers for hire.

Commercial Full-Time Fisherman: A fisherman whose primary source of income is from the occupation of fishing.

Consolidated Pier: A shared pier that meets the standards of Article X, Part 1, Section 1, (8A) of the Town of Camden Zoning Ordinance.

Daysailer: A power or sail vessel whose principal commercial operation is to engage in the trade of carrying passengers on a daily basis'.

Dead Ship: A vessel so changed that it has no further navigation function.

Dolphin: A connected combination of pilings permanently affixed to the harbor bottom.

Federal Navigation Project: An area dredged and maintained by the Corps of Engineers as shown on the Corps of Engineers Conditions Survey for Camden Harbor.

Float: Any floating structure normally used as a point of transfer for passengers, goods, or for mooring. The term includes floats attached to wharves and piers.

Finger Float: Town-owned small vessel floats located at the northwesterly head of the Inner Harbor adjacent to the Harbor Park as depicted on Appendix G

Harbor Line: The shoreland boundary line for both the Outer Harbor and Coastal Harbor areas shall be determined at the mean high water mark. The Harbor line for the Inner Harbor shall be the harbor line as shown on the Official Zoning Map B of the Town of Camden depicting the Inner Harbor. The harbor line defines the limit of the area on which filling can occur (see Appendix F).

Harbormaster: That person appointed by the Select Board of the Town of Camden, pursuant to 38 M.R.S.A., Section 1, as amended from time to time, and the Harbor and Waterways Ordinance of the Town of Camden. In all places where the Harbormaster is empowered to act in this Ordinance, so is any Deputy Harbormaster appointed by the Harbormaster, pursuant to 38 M.R.S.A. , Section 2, to the full extent permitted by law and this Ordinance. Deputy Harbormasters shall serve at the direction of the Harbormaster.

Height: The height of a wharf, pier or other structure shall be measured from walkway to mean high water.

Inner Harbor: As defined in Article I, Section 3(A).

Launching Ramp: An inclined ramp used to ingress and egress vessels to and from the water.

Length Overall (LOA): The extreme length of the vessel measured from the stem to stern (as measured along the uppermost deck excluding sheer) excluding bowsprits, boomkins, rudderposts, booms, davits, swim platforms, or any other extensions from the hull.

Marine Railway: Inclined tracks extending into the water so that a vessel can be hauled up on a cradle or platform for cleaning or repairs.

Mean High Water: Average height of high water over a 19-year period as defined by National Ocean Service of NOAA..

Mean Low Water: Average height of low water over a 19-year period as defined by National Ocean Service of NOAA.

Mobile Vessel Hoist: A commercial straddle type mobile hoist and associated structures, and devices used for moving vessels and other objects in and out of the water.

Mooring: Any apparatus placed on the harbor bottom under the direction of the Harbormaster for purposes of securing a vessel. Such apparatus includes mooring gear and mooring hardware and is not carried aboard a vessel as regular equipment

Mooring Area: An area of the harbor set aside for moorings.

Mooring Float: A float attached to a mooring. A mooring float shall be treated as an extension of the mooring gear and mooring hardware. The term excludes floats attached to wharves and piers.

Mooring Gear: See Mooring.

Mooring Site: A specific point on the ocean bottom in a mooring area assigned by the Harbormaster.

Mooring Spar: A cylindrical device used to identify mooring locations in the winter.

Non-Resident Taxpayer: A person who owns real estate property in the Town of Camden and is not a resident.

Outer Harbor: As defined in Article I, Section 3(B).

Pier: A permanent platform-type structure connected to the shoreline and usually built perpendicular there from over the water, supported by pilings or cribbing. Used for the berthing, loading, and unloading of vessels in coastal areas.

Piling: A rigid shaft of metal, wood, cement, or plastic permanently affixed to the bottom.

Private Mooring: Any mooring other than a transient, commercial, or service mooring.

Ramp Platform: A projection from a wharf, pier, or bulkhead to which a ramp is attached.

Ramp: A structure used to access or connect to a float, pier, wharf, bulkhead.

Riparian Owner: In this ordinance it shall mean an owner of a parcel of land of at least 100 feet of shore frontage. Notwithstanding Title 38, M.R.S.A., Section 11, persons who, prior to January 1, 1987, owned shore rights of at least 100 feet of frontage regardless of the size of the lot shall have mooring privileges assigned according to Title 38, M.R.S.A., Section 3. The limitation of one mooring assigned under this privilege shall not prevent the owner of a shorefront parcel from receiving additional mooring assignments under the allocation system for all other residents.

Resident: A person who is registered to vote in the Town of Camden or any person who occupies a dwelling in Camden for more than 180 days in a calendar year. Proof of 180-day dwelling occupation will be established according to standards used for Camden voter registration.

Service Mooring: A mooring owned and utilized by a commercial marine enterprise or marine-dependent enterprise for the purpose of temporary securing of customers' vessels and other uses relating to the operation of a commercial marine enterprise or marine-dependent enterprise.

Shall and May: The word "shall" is used to indicate the mandatory and the word "may" is used to indicate the permissive.

Shoreland Zoning Ordinance: The Shoreland Zoning Ordinance or Shoreland Zoning Provisions of the Zoning Ordinance of the Town of Camden, Maine as amended.

Shoreline: As used in this Harbor and Waterways Ordinance, that line where the upland meets the Harbor line as set forth in Article I, Section 3.

Total Vessel Length (TVL): The extreme length of vessel as berthed measured to include any and all extensions or overhangs from the hull's stem or stern, such as bowsprits, boomkins, rudderposts, booms, davits, outboard motors, swim platforms, or any other extensions from the hull.

Transient Mooring: Moorings used for securing visiting vessels.

Vessel: Any type of watercraft boat, barge, scow, dredges, shellfish cars, or float, used or capable of being used as a means of transportation in or on water.

Walkway: The part of a wharf or pier providing access between or over a supporting structure.

Windjammer: A traditionally rigged sailing vessel whose principal commercial operation is to engage in the trade of carrying passengers on cruises of at least one night or longer during which time room and board are provided.

Wharf: A platform-type structure connected to the shoreline and built parallel there from over the water, supported by piling or cribbing, used for the berthing, loading, and unloading of vessels.

Wharf Line: The boundary as depicted on the Official Zoning Map B of the Town of Camden delineating the Inner Harbor area. The wharf line defines the limit beyond which permanent structures cannot be erected.

ARTICLE III HARBOR ADMINISTRATION

Section 1. Harbor Committee

A Harbor Committee shall be appointed by the Select Board as set forth below in this section. It shall be convened at the request of the Harbormaster, the Planning Board, Chairman of the Harbor Committee, or the Select Board, as the need may arise. The composition of the Harbor Committee shall be representative of the varied interests using the Harbor for recreational purposes as well as those using the Harbor in the course of their business. The duties and responsibilities of the Harbor Committee shall include, but not be limited to, the provision of advice to the Select Board concerning the implementation of Harbor Rules and Regulations, the proposal of plans for the development of uses of the harbor and recommendations concerning the resolution of particular problems that may arise during the year concerning the use of the harbor, and review of proposals or applications for the construction of piers, wharves, breakwaters, marine railways, bulkheads, or other structures within the Harbor waters and/or the transfer of any real estate which involves or concerns harbor access or administration.

The Harbor Committee shall also sit as a board of appeals to hear the appeal of any person aggrieved by any decision, act, or failure to act of the Harbormaster in allocating or assigning mooring spaces as set forth in Article V, Section 6 and aquaculture permits, but not limited to, as set forth in Article IV, Section 5 of this ordinance.

The Harbor Committee shall consist of five members serving staggered terms of three years, appointed by the Select Board. The Select Board, which may also appoint two alternate members to serve in the absence of regular members. Alternate members appointed to the Harbor Committee shall serve one-year terms. During the absence of a regular member at any meeting, the Chairman of the Harbor Committee shall designate the alternate member who shall serve during the absence of the absent member.

With the exception of alternate members, once a member of the Harbor Committee has been sworn into office, he or she shall continue in that office for the remainder of his or her term without having to renew the oath of office for that position annually.

Section 2. Public Landing Memorial Benches

The Select Board shall have the authority to establish regulations and to amend those regulations, following consideration of the recommendations of the Harbor Committee, concerning the maintenance of the existing memorial benches at the Public Landing and concerning the size, dimensions, specific location, appearance, maintenance, and criteria for acceptance of new memorial benches donated to the Town for the Public Landing.

Any such regulation concerning existing memorial benches and new memorial benches shall be adopted only after a public hearing. Upon adoption, such regulations shall be set forth in writing and attached to the Ordinance (see Appendix E).

Section 3. Harbormaster

The Harbormaster, annually appointed by the Select Board, shall have, in addition to the duties and responsibilities of his office as prescribed by law, the authority to enforce the rules and regulations of the Town of Camden, as described herein, excepting, however, and those projects identified herein as requiring approval by the Select Board. The duties of the Harbormaster prescribed by law include, but are not limited to, the

authority to enforce the Statutes of the State of Maine relating to the operation of vessels in the Harbor and relating to the conducting of navigation on the Harbor. The Harbormaster shall administer his job in accordance with administrative policies adopted by the Camden Select Board.

One or more Deputy Harbormasters shall be recommended by the Harbormaster as necessary, under the terms of this section, to serve at his direction upon appointment by the Town Manager.

The Harbormaster shall not have the authority to carry a weapon and shall not have the authority to make arrests. Any law enforcement officer vested with the authority to carry a weapon and to make arrests, specifically including police officers of the Town of Camden, shall have the authority to enforce the provisions of this ordinance on their own initiative, or upon specific request from the Harbormaster or from the Select Board.

Consistent with Title 38, M.R.S.A., Section 1, the Select Board shall have the authority, after due notice to the Harbormaster and a hearing, if requested by the Harbormaster, to remove the Harbormaster for cause. In the event of the removal of a Harbormaster for cause, then the Select Board shall have the authority to appoint a Harbormaster to fill the vacancy of the removed Harbormaster.

ARTICLE IV GENERAL REGULATIONS

Section 1. Select Board and Fees

The Select Board, by its last meeting in November of each year, shall establish a schedule of user fees for town facilities for the harbor with the exception of rental fees set forth in Article V, Section III of this ordinance. The schedule of fees shall include but not be limited to, the following:

- A.** Dinghy Fees.
- B.** Finger Float Fees.
- C.** Commercial Passenger Vessels Use Fees.
- D.** Fishermen's Float Fees.
- E.** Public Float Use Fees, including over night dockage.
- F.** Mooring Fees.
- G.** Harbor Usage Fees.
- H.** Waiting List and Late Fees.

The schedule of fees shall include billing dates and due dates for payment of fees in full or in part. Non-payment of fees shall result in the exclusion of the user, who has failed to pay that fee, from the harbor facility for which payment was required.

Section 2. Removal of Vessels

The Harbormaster is hereby authorized, and it shall be his/her duty to remove or cause to be removed any vessel from any wharf, mooring or berthing area in Camden Harbor, when so requested by the owner of said wharf; and whenever he/she shall deem it necessary, he/she shall remove or cause to be removed any vessel lying in tier; (more than one vessel); and if any vessel or raft shall anchor or lie contrary to any ordinance, rule or regulation of the Town of Camden, said Harbormaster shall forthwith give notice to the owner or master thereof, or the person having the care of the vessel, to remove the vessel; and if the person given notice does not comply with the notice, without delay, the Harbormaster shall make or cause the removal of the vessel or raft.

In the event that the Harbormaster removes a vessel as set forth in this ordinance, such removal shall be at the cost and risk of the owner of the vessel. The Harbormaster shall charge the approved fee set by the Town, to be paid by the master or owner of the vessel, which charge, together with the cost of the crew and/or equipment for removing that vessel, the Harbormaster may collect by a civil action in the District Court, as set forth in Title 38, M.R.S.A., Section 5.

In addition, the Harbormaster shall have the authority to remove vessels as set forth in Title 38, M.R.S.A., Section 5.

Section 3. Obstruction of Other Vessels

The Harbormaster shall, upon complaint to him/her by the master, owner or agent of the owner of any vessel, cause any other vessel or vessels obstructing the free movement or safe anchorage of such vessel to remove to a position to be designated by him/her, and to cause without any complaint being made to him/her, any vessels anchoring within the channel lines, as established by the Town of Camden or as otherwise provided by laws, to remove to such anchorage as he/she may designate.

If such vessel has no crew on board or if the master or person in charge neglects or refuses to move such vessel, as directed by the Harbormaster, then the Harbormaster shall take steps to remove said vessel, in accordance with the provisions of Title 38, MRSA, Section 5.

Section 4. Obstruction of Navigation

No person shall place buoys, including fishing buoys or other floating structures of any type, within the boundaries of Camden Harbor so as to cause obstruction or danger to navigation within the boundaries of said Harbor.

All moorings shall be so located or relocated so that the vessels secured thereto will not impede navigation within the harbor nor endanger other vessels moored therein. If the Harbormaster shall find that any vessel is so moored as to impede navigation or to endanger other vessels, he may require that the owner of the mooring, or of the vessel secured thereby, take such steps, whether by shortening the scope of the mooring lines, or by the use of additional mooring or mooring lines, that will prevent such impeding of navigation or endangering of other vessels; or in the alternative he may order that the mooring be removed and relocated. In requiring the removal of a mooring because of its danger to other moorings, the offending mooring shall be the first ordered to be removed. Any persons so ordered by the Harbormaster acting under this paragraph, shall remove the same within 48 hours after ordered; provided, however, that the Harbormaster shall find an emergency requiring immediate action to prevent injury to life or damage to property, and he may cause said mooring and any vessel attached thereto to be removed and relocated. Any expense involved shall be borne by the owner of the mooring or vessel being removed.

Section 5. Aquaculture

No aquaculture site involving the use of moorings, anchorings, rafts, and/or pens shall proceed without a permit. All such sites within the waters of Camden Harbor shall have all required federal and state permits before making application to the town. Application shall be made to the Harbormaster, who shall first determine that the application is complete. The Harbormaster shall make a decision to approve or deny an aquaculture permit within 30 days.

A permit shall be approved as long as the requested use will not unreasonably interfere with:

- A. Public Health,
- B. Safety,
- C. Navigation, or
- D. Orderly Administration of the Harbor.

If the Harbormaster denies the application, the applicant may appeal the decision to the Harbor Committee within 30 days. The Select Board shall annually set fees for aquaculture applications and aquaculture mooring permits. Violations of this section shall be subject to the penalty provisions of Article VII.

Section 6. Discharge of Refuse

No person or vessel shall dump or dispose of any refuse or garbage upon the shore of Camden Harbor, at high or low water mark or upon the waters of the inner or outer harbor. No person or vessel shall deposit, throw, sweep or cause to be deposited or swept into the waters of Camden harbor or into the waters adjacent thereto

any quantities of gasoline, oil, fuel or bilge water containing the same, or ashes, dirt, stones, gravel, mud, logs, or planks or any other substance tending to obstruct the navigation of said Harbor or waters adjacent thereto, or to shoal the depth of said Harbor or pollute the water thereof. All vessels shall comply with the State of Maine No Discharge Policy.

Section 7. Vessel Speed

All types of watercraft and vessels operating within Camden Harbor shall maintain a speed that is reasonable and proper, having due regard for traffic, proximity to wharves, docks, moorings, other vessel, or shores and for any conditions then existing. No watercraft shall be used or operated on Camden Harbor so as to cause danger, annoyance, disturbance, or inconvenience to the public. Any operation of a vessel in a manner violating this provision shall constitute a violation of these rules and regulations and subject the violator to prosecution for a Class E crime under M.R.S.A. 38 Section 281. "No Wake" zones will be set up as necessary by the Harbormaster.

Section 8. Loss of Rights and Privileges

Privileges held here under and permits issued pursuant to this ordinance shall be subject to revocation in the event the permit holder fails to comply with any provision of the ordinance.

ARTICLE V

REGULATIONS CONCERNING DOCKS, FLOATS, LAUNCHING RAMPS AND MOORINGS

Section 1. Town Docks, Floats and Berthing Slips

The following regulations shall pertain to the use of the Town floats assigned for vessels at the Town Landing. No person shall leave an unattended vessel berthed, unless the person has permission of the Harbormaster. There shall always be a 40-foot section of the dock face designated by signage and kept free for pick up and drop off only.

The Harbormaster shall assign numbers annually to dinghies, tenders, skiffs and other vessels regularly tied, or stored on, designated town floats. These numbers shall be visibly attached to the vessel. Said vessels shall not be over 14 feet in length or have a beam over 6 feet and shall be tied to designated floats only. Such vessel must be properly and reasonably maintained. The owner of any vessel, which is not maintained, secured, or town registered shall lose any privileges to tie to said town float, and the vessel shall be removed at the owner's expense.

No lobster traps or other equipment shall be stored on the town floats or the Town Landing for any period of time except with permission of the Harbormaster.

Section 2. Fisherman's Floats

The floats adjacent to the Town Landing, lying northwesterly of the town floats, which extend easterly into the harbor, shall be designated as the commercial fishermen floats. Use of these floats shall be by permit issued by the Select Board to applicants holding a commercial fishing license under the following order of preference:

1. Commercial Full-Time Fishermen.

- A. Current Permit Holders
- B. Camden Residents
- C. Non-Residents

2. Commercial Part-Time Fishermen.

- A. Current Permit Holders.
- B. Camden Residents.
- C. Non-Residents.

Applications for a fishermen float permit shall be submitted no later than November 15th or as Harbormaster determines. The number of permits shall be limited to the number the facility can accommodate.

The commercial fishermen floats shall not be used for the boarding or discharge of passengers for hire.

Section 3. Commercial Passenger Float and Berthing Slips

A. Town Daysailer Float

The Select Board may elect to rent or lease space on the Town Daysailer Float and may elect to rent or lease berthing slips. Any such rent or lease of those Town facilities shall be set forth in a written lease agreement for a duration not to exceed three years in length. In deciding on the amount of the rental, the Select Board is authorized to negotiate a rental, which is less than the fair market value if the Select Board determines that a category of use of the renter has other economic benefits to the town, which justify a less than fair market value rental.

A float adjacent to the Town Landing shall be designated by the Select Board as the Town Daysailer Float (see Appendix G). Use of that float by a daysailer shall occur only upon negotiation of a lease or rental agreement with the owner of that daysailer in accordance with the authority granted to the Select Board in the previous paragraph. The Select Board shall not accept or grant leases or rental agreements in excess of 7 such leases or rental agreements to the owners of 7 separate daysailers.

B. Windjammer Berthing Slips

The harbor area immediately easterly of the floats extending easterly from the Town Landing shall be designated as Windjammer Berthing Slips and shall not exceed 3 slips. The harbor area immediately adjacent to the Harbor Park at the head of the harbor shall be designated as windjammer berthing slips and shall not exceed 3 in number. Windjammer Berthing Slips by lease shall be used only for sailing vessels, which are not operated as daysailer operations from those slips. The Select Board may elect to permit the use of these slips by windjammers by a lease or written rental agreement for a term not to exceed 3 years. In the event that the berthing slip is not being used by the vessel to which the slip has been leased, then the town can rent that berthing slip temporarily to other vessels as long as those other vessels do not unreasonably interfere with use by the vessel that has a lease on that slip.

C. Criteria For Application Approval

In September of each year, the Select Board will make a decision whether to lease or rent any of the commercial passenger vessel float space or berthing slips which are available and vacant and, in the event of such an election, the Select Board shall cause a request for proposals for rental of use to be published in a newspaper of general circulation no later than October 15th of each year. The notice shall indicate that proposals shall be submitted in writing to the Town Manager and shall contain such reasonable information as requested by the Select Board no later than November 15th. Lease agreements or rental agreements with such provisions as the Select Board choose shall be negotiated and such written agreements fully signed and submitted to the Town Office no later than December 30th of the year in advance of the first season of proposed use.

The written leases or written rental agreements shall contain such provisions as the Select Board deem appropriate and consistent with the best interests of the Town of Camden. In each written lease or rental agreement, the particular vessel to be used shall be described specifically and only that vessel shall be operated from that space or from that slip under the terms of that lease or rental agreement.

The Select Board shall not lease or rent to a daysailer with an LOA in excess of 48 feet or a beam in excess of 14 feet, except as stated below. Any vessel that has an LOA of 48 feet may have in addition an extension from the bow not longer than 8 feet and an extension from the stern not longer than 4 feet for the TVL of not more than 60 feet. Any vessel that is less than 48 feet LOA may increase the bow extension and the stern extension so long as the bow extension is not longer than 8 feet, and the stern extension is not more than 50 percent of the bow extension and the TVL does not exceed 60 feet.

The Harbor Committee will make recommendations about daysailer licenses and windjammer berths based on the characteristics of the vessels, and the ability of the Public Landing Facility to accommodate the vessel's operations, such as:

1. Parking;
2. Number of Passengers;
3. Navigation;
4. Use of the Daysailer Float; and
5. Other Pertinent Considerations.

In reviewing and acting upon any application for lease or rental agreement, the Select Board may among other things consider:

- A. The current uses and users of the facility for which the application applies. Preference will be given to current daysailer owners who have abided by the Ordinance.
- B. The size of the vessel.
- C. The number of passengers, which the vessel will carry, and its schedule.
- D. The availability of and effect on parking and traffic.
- E. The availability of and need for public utilities.
- F. Access to the facility by the vessel.
- G. The Select Board may consider the Harbor Committee recommendations for permits.

Section 4. Finger Floats

Assignments to a finger float shall be made by the Harbormaster from a waiting list maintained at the Town Office. Vessels shall not exceed 22 feet TVL. The allowable beam of a vessel in Article V, Section 4 will be at the discretion of the Harbormaster based on consideration of available space and navigation. Finger Floats should be subject to the use limitations set out in Section 6.I.

Section 5. Launching Ramp

The Harbormaster shall have jurisdiction over the municipal launching ramp, located off Steam Boat Landing Road. Vehicles, vessels, trailers and/or cradles shall not be left on the ramp at any time. Vessels shall not be left unattended while attached to the launching ramp floats, except that dinghies, tenders, skiffs, and other watercraft can be regularly tied to the southwest side of the floats in accordance with Article 5, Section 1. Vehicles, trailers, and vessels shall be parked in designated areas in accordance with the Camden Parking Regulations.

Section 6. Moorings

The regulations contained in this section shall be interpreted in a manner which is consistent with the requirements of the U. S. Army Corps of Engineers for federal anchorages and with the requirements of Title 38, M.R.S.A., Section 3, Section 7-A, Section 8, and Section 11.

A. Waiting Lists

All mooring sites, including but not limited to transient moorings, service moorings, and private moorings, shall be under the direct control of the Harbormaster and assigned by him on a first-come, first-served basis to qualified applicants for mooring sites. The assignment of private mooring sites shall be made by the Harbormaster on a one-vessel, one-mooring basis and in accordance with the provisions set forth in this section and consistent with the provisions of Title 38, M.R.S.A. set forth above in this section. Applicants shall be identified on a waiting list by date of receipt of the application. The Harbormaster shall establish two private mooring waiting lists in accordance with this section, as follows:

1. A waiting list for applications when the principal use of the vessel is non-commercial, and;
2. A waiting list for applications when the principal use of the vessel is commercial.

In the event that the Harbormaster receives more applications for mooring sites than there are mooring spaces, then the Harbormaster shall assign the next available mooring site from the applicants on the waiting list, without regard to the residency of the applicant, except as specifically stated in the following provisions of this section. Consistent with policies established by the Select Board, the Harbormaster shall designate certain mooring sites as commercial and certain other mooring sites as non-commercial.

In the event that there are applicants who are non-residents who wish to moor a vessel, the principal use of which is commercial, and in the event that less than ten percent (10%) of the designated commercial moorings are currently assigned to persons fitting this description, then the next mooring available shall be assigned to the first non-resident applicant on the commercial waiting list.

In the event that there are applicants who are non-residents who wish to moor a vessel, the principal use of which is non-commercial, and in the event that less than ten percent (10%) of the designated non-commercial moorings are currently assigned to persons fitting this description, then the next mooring available shall be assigned to the first non-resident applicant on the non-commercial waiting list.

In the event that there are applicants for mooring sites in both the non-residential/non-commercial and non-residential/ commercial categories, and in the event that the assignments of moorings to both of those categories are both below ten percent (10%) of the current assigned moorings, then the next available mooring site shall be assigned to the first applicant in whichever of the two categories is the farthest below ten percent (10%) of current assigned mooring sites.

B. Application

Applications for a mooring site permit shall be made annually and shall contain the information set forth in the Mooring Application Procedure (see Appendix D). At the time of each annual review of mooring site permits, existing holders of mooring site permits shall be given priority over any other applicants for a mooring site. No existing mooring site permit holder shall lose a current assignment in order to meet the objectives of the non-resident allocation requirements set forth in this ordinance and no other rights shall vest beyond the permit period.

C. Permit

1. It is the responsibility of the applicant to submit the annually or newly approved permit application to the Harbor Clerk, together with all fees due, including any excise taxes or other taxes or charges owed to the Town of Camden or to the State of Maine concerning that vessel. The Harbormaster shall assign a registration number and location for such mooring and advise the applicant concerning the requirements of these rules and regulations. Mooring site permits shall have a duration of one year. The applicant has the option of renting or owning the mooring hardware.
2. No mooring site permit holder shall assign, rent, sub-lease or transfer the mooring site granted herein to any person, or to utilize it for any vessel except the vessel set forth in that permit or except as set forth in this Ordinance. It shall be permitted to rent mooring hardware to the mooring site permit holder, upon request of that holder. At the termination of assignment of any mooring site to an individual, the mooring hardware shall be removed unless the new mooring site permit holder negotiates a rental fee of that hardware with the owner of that hardware, or unless the mooring site permit holder purchases said hardware. In accordance with Title 38, Chapter 1, section 3-A, a mooring assignment may be transferred, only at the request or death of the assignee, only to a member of the assignee's family and only if the mooring assignment will continue to be used for commercial fishing purposes. "Member of the assignee's family" means an assignee's parent, child or sibling, by birth or by adoption, including a relation of the half blood, or an assignee's spouse.
3. Holders of mooring site permits shall be liable for any and all fees, excise taxes, or any other assessments due to the Town of Camden resulting from the use of the mooring site. All fees must be paid in advance in accordance with the payment schedule adopted annually by the Select Board. Failure to remit fees to the Town of Camden at the time those fees are due shall result in forfeiture of the mooring site permit.
4. Moorings shall not be placed, altered or shifted, except with written permission of the Harbormaster. No person shall move or interfere with vessels or moorings belonging to another person, except upon direction of the Harbormaster, or with the permission of the vessel owner with a mooring site permit for that mooring. No person shall move or interfere with any vessel moored in the harbor that has a permit for that mooring site.

5. In circumstances in which the holder of a mooring site permit claims that another individual or vessel has interfered with or encroached upon the use of that mooring site, such complaints shall be made to the Harbormaster. The Harbormaster shall investigate those complaints and, following such investigation, shall assign and indicate to the masters or owners of any such offending vessel, the location that vessel may occupy with reference to the mooring site granted to that vessel.
6. The Harbormaster shall be promptly notified of a proposed change in use or vessel of a mooring site in either the Inner Harbor or the outer harbor, and such change in use or vessel shall be permitted only upon the written approval of the Harbormaster. Site holders of private outer harbor moorings may allow them to be used by others only with written notice to, and approval from, the Harbormaster as established by administrative procedure. Private Inner Harbor Mooring Floats and outer harbor moorings may be rented through rental agents in accordance with established administrative procedures.
7. Mooring Site & Sale Procedure: See Appendix B

D. Appeals

Any decision, act or failure to act of the Harbormaster concerning the allocation of a mooring site permit may be appealed to the Harbor committee in its capacity as a board of appeals as set forth in Article III, Section 1 of this ordinance. Any such appeal shall be made within 30 days of the date of the decision, act or failure to act which gives rise to the grounds for appeal. Applications for appeal shall be made on forms provided by the Harbor Clerk. Any decision of the Harbor Committee with reference to such an appeal may be appealed by an aggrieved party to the Superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

E. Mooring Standards and Inspection

All moorings shall be of sufficient size and configuration to hold the vessel for which it is used. An adequate mooring under this section shall conform to the minimum standards for mooring equipment specified in the Administrative Procedures adopted by the Select Board (see appendix A) and shall conform with any additional standards reasonably specified by the Harbormaster. A mooring tag will be issued only after all items on the application and mooring inspection have been completed (and no later than June 15th annually). All moorings shall have the registration number assigned by the Harbormaster permanently affixed thereon. Such registration numbers shall be clearly visible at all times.

Moorings shall be inspected annually. A list of approved mooring inspectors/divers shall be compiled annually by the Harbormaster and made available to the public. A written mooring inspection report shall be submitted to the Harbormaster by the approved inspector annually. The Harbormaster may at any time examine any mooring or mooring line to determine compliance with this section. Except in the case of emergency, he shall notify the owner of his intention to examine the mooring and request the presence of the owner during such examination. Moorings found to be inadequate with regards to the requirements of this section shall be corrected within 48 hours or removed. Any cost of examination or removal resulting there from shall be borne by the owner of the mooring. Vessel owners and/or mooring owners shall be liable for any damage caused by faulty, inadequate, or improperly placed moorings.

F. Transient Moorings

Transient moorings shall be provided for the use of visiting vessels. All transient mooring sites shall be under the direct control of the Harbormaster and assigned by him on a first-come, first-served basis to qualified applicants. Transient vessels may use these moorings for a maximum period of two weeks (14 nights) per vessel, per season except with the express permission of the Harbormaster.

No less than fifteen percent (15%) and no more than twenty five percent (25%) of the total mooring sites in Camden Harbor shall be set aside for transient and service use. The assignment of transient mooring sites by the Harbormaster shall be made to commercial marine enterprises or marine dependent businesses. It is required that any commercial marine enterprise being granted permits shall provide:

1. Mooring Reservation System.
2. Greeting and directing incoming vessel by telephone, radio or by vessel, during normal business hours, seven days per week during the summer season.
3. Marking transient buoys with mooring identification number, maximum vessel size and company name.
4. A dinghy float, trash removal and recycling services, and restrooms.

Such organizations permitted by the Harbormaster to own rental moorings may use these moorings for service purposes during the off-season, September 16th to June 14th.

No private moorings shall be rented without an arrangement with a booking agent. Organizations qualified to be transient mooring owners may act as booking agents for the rental of private Inner Harbor mooring floats and private Outer Harbor moorings. Camden Harbor booking agents shall:

1. Be under the direction of the Harbormaster at all times.
2. Provide a contract form, approved by the Harbormaster, that is acceptable to the participating mooring owners.
3. Be responsible for collection and disbursement of any and all fees associated with a booking under this section.
4. Provide a plan for alternate berthing when the owner returns early, indemnify and hold harmless the Town of Camden and each mooring owner from any claims, demands, or liability against the town or against such mooring owner resulting from actions or omissions of the booking agent; and maintain public liability insurance for the benefit of the town and each mooring owner in an amount no less than one million dollars to cover this obligation of indemnification.

No private float or mooring shall be rented for more than 45 days per year or for more than 14 days per season (June 15th to September 15th) to the same vessel without written permission from the Harbormaster.

The following additional provisions shall apply to both transient and service moorings and private moorings rented through agents:

1. Rental mooring organizations shall submit a summary report of annual records through September 15th to the Harbormaster by October 15th of each year and shall maintain a log of all transactions, which shall be available to the Harbormaster on request. Renewal of

permits for mooring site locations for transients will depend in part upon past performances with regard to this criteria.

2. Whereas the Army Corp of Engineers expressly forbids profit making from mooring services provided within the Federal Navigation Plan (Inner Harbor), and disapproves of profiting within Army Corps controlled waters (Outer Harbor), mooring rental fees are permitted to cover the cost of these services only.

The Town of Camden may own and rent moorings, or act as a booking agent, either directly through the Harbormaster or via a contractor supervised by the Harbormaster.

G. Service Moorings

Service moorings shall be provided for the purpose of servicing vessels or storing unoccupied vessels. The Harbormaster is in direct control of service mooring sites and will assign said mooring sites on a first come, first served basis to qualified applicants. The maximum length of stay for a vessel on a service mooring shall be 14 days, except with the express permission of the Harbormaster. Service mooring sites shall be located outside the Federal Navigation Plan. Service mooring operators shall maintain a log of mooring use – including vessel name, size, ownership, and reason for moorage – and make the log available to the Harbormaster on request. An annual summary report of mooring use shall be submitted by October 15th.

H. Mooring Floats

1. Mooring floats may be moored in the Inner Harbor on a space-available basis, as assigned by the Harbormaster, from a list of Outer Harbor permit holders and Public Landing slip permit holders who have requested placement on that list. The granting of a mooring site permit entitles the holder to one side of a mooring float. No permission for a mooring float shall be allowed by the Harbormaster in the event that the placement of the mooring float interferes with navigation of other vessels, interferes with the use of other mooring sites by vessels with permits, or in the event that the placement of such a float is inconsistent with space management of the Harbor. The Town of Camden may permit mooring floats to be moored in the Outer Harbor only if they support or enhance the use of Town owned property.
2. The dimensions of a mooring float shall be 6 feet x 30 feet. a mooring float shall be treated as an extension of the mooring gear and mooring hardware. All mooring floats shall be inspected annually prior to June 15th, and mooring site permit holders shall be responsible for completing all necessary repairs on the mooring and float prior to a written report submitted by his/her appointed agent to the Harbormaster or to the Harbor Clerk. Apportionment of expenses for float construction and float and mooring gear maintenance shall be divided equally among mooring site permit holders using the float. No buildings or structures shall be permitted on any floats.
3. Applications for a site for a mooring float shall be submitted to the Harbormaster on forms provided by the Harbormaster. In addition to any information reasonably requested by the Harbormaster, the application form shall be accompanied by a Mooring Float Agreement between parties sharing the use of a mooring float, in the form attached hereto as Appendix I, which is incorporated hereto as if fully set forth. That agreement shall include a provision that

states that a party ceasing to use that mooring float or terminating the use of that mooring float shall remain responsible for that party's share of fees or expenses of maintenance concerning that mooring float and gear. Such responsibility shall continue until that mooring float and gear is removed from that mooring site or until another party has assumed the use of that mooring float and gear and has agreed to pay any outstanding fees or expenses for maintenance associated with that mooring float and gear. No application for mooring float site shall be accepted by the Harbormaster unless the application is accompanied by the signed agreement.

4. In the event that a person ceases to use a mooring float, or the use otherwise terminates, then the purchase price of that person's share of the mooring float and gear shall be disclosed, in writing, to the Harbormaster and that purchase price shall not exceed one half of the current fair market value of that mooring float and gear as determined by the Harbormaster. In order to ensure maximum usage of mooring floats in the Inner Harbor, the Town of Camden shall have the right of first refusal for any mooring float that becomes available for sale.
5. In the event of a dispute by mooring site permit holders with an approved mooring float and gear concerning the refusal or failure of a person sharing that float to pay a proportionate share of maintenance, taxes or harbor fees owed by owners for that float and gear, the Harbormaster shall be advised of such a dispute. In the event of non-payment of those shares of maintenance, taxes or harbor fees, the Harbormaster shall have the authority to terminate the mooring site permit and to re-assign that site to another mooring site permit holder.

No vessels under 22 feet TVL, or over 42 feet TVL or with a beam exceeding 14 feet shall be secured to a mooring float, in the inner harbor.

I. Mooring and Mooring Float Usage

Site holders of private moorings may not reassign their moorings but may allow them to be used by others with written notice to, and written approval from the Harbormaster. Normal use of private moorings is defined as 45 nights of occupancy by the vessel that belongs to the site holder of that mooring or float during the June 15 to September 15 season. Owners are required to keep a log of occupancy that shall be made available upon request by the Harbormaster. Exceptions to the 45-night occupancy may be made with prior notice to the Harbormaster, who may request voyage documentation.

A mooring or float site holder may receive a one-year grace period from this occupancy requirement but must give the Harbormaster notice of such non-use prior to June 15th of that year, and must permit the Harbormaster to assign use of that mooring or float for the season. If a vessel is sold, the site permit holder shall have a one-year grace period starting on the date of the sale. The Harbormaster will assign such use to the first willing party on the pertinent waiting list with an appropriate size vessel. The owner of the mooring or float gear may charge the temporary user for annual fees and for appropriate maintenance costs as determined by the Harbormaster. The temporary user will assume all liability associated with the mooring or float, will be responsible for leaving it in the condition found, and will be subject to the 45 day occupancy rule. The temporary user requirement may be guaranteed by a security deposit with the approval of the Harbormaster and failure to observe these requirements may result in loss of waiting list status. Any person not planning to use a mooring for more than three days is encouraged to notify the Harbormaster in order to utilize mooring space to the highest possible degree.

The name of any mooring or float permittee under this ordinance who:

4. While in good standing and compliance with all other provisions of this ordinance voluntarily relinquishes a permit by means of a formal written release in a form approved by the Harbormaster; and
5. Desires to remain on the waiting list for the same type of permit as being relinquished for possible future reapplication, and
6. Meets all of the requirements applicable to being maintained on the waiting list, including payment of the annual fee therefore, but excepting the requirement of maintaining an outer harbor mooring site.
7. Shall hereafter be referred to as “volunteer” and be entitled to priority ranking on that waiting list. As permits become available they shall be first offered to those volunteers who shall have been so ranked in reverse order of listing such that the names of volunteers who have remained continuously on the list for the longest period of time as measured from the date added to the list shall have right of first refusal with respect to applying for any such available permit. In the event there are no such volunteers, or all such volunteers have declined an offer to apply for a permit which has become available, the list shall be addressed by the Harbormaster in the usual manner. No volunteer shall be eligible for consideration under this section until the name of such volunteer has remained on the waiting list for longer than one year from the date of signing the release.

J. Riparian Owner Moorings

Consistent with the provisions of Title 38, M.R.S.A., Section 3, the Harbormaster shall assign one mooring site to each riparian owner who, prior to January 1, 1987, owned shore rights of at least 100 feet of frontage, so long as the assignment of such a mooring is practicable and so long as that riparian owner is the owner of a vessel. Such mooring site shall be either temporary or permanent, as requested by the riparian owner, and such mooring site shall front the land of the riparian owner, if so requested, but only in the event that such a mooring site does not encroach upon the natural channel or channels established by the Select Board. The assignment of this mooring site, under the privilege set forth in Title 38, M.R.S.A., Section 3, shall not prevent the riparian owner from receiving additional mooring assignments under the allocation system for other moorings set forth in this section of the ordinance.

K. Prohibitions and Violations

No person shall moor a vessel to any buoy or beacon placed by the Town of Camden to define the channel of vessels, or in any manner make the vessel fast thereto.

Upon the first violation of any provision of this Ordinance concerning use of moorings or mooring sites, the Harbormaster may issue a written warning to a vessel and mooring site holder.

The Harbormaster shall have the authority to remove mooring gear that is in channels or otherwise impedes navigation, or that remains in violation of the regulations and provisions of this Ordinance. Any such removal shall be at the expense of the owner, and the Harbormaster shall have the authority to

collect those expenses in connection with such removal by a complaint in the District Court. In addition, the offending person shall be subject to the penalties set forth in Article VII of this Ordinance.

Mooring site holders shall be responsible for moving or removing all mooring gear upon notification from the Harbormaster in order to facilitate Corps of Engineers hydrographic survey and/or maintenance dredging operations within the Federal Navigation Project.

ARTICLE VI

REGULATIONS CONCERNING CONSTRUCTION OF PIERS, WHARVES, BREAKWATERS, BULKHEADS, AND LANDFILL

Section 1. Inner Harbor

No piers, wharves, bulkheads, marine railways, mobile vessel hoists, private breakwaters, or any structure requiring a permit shall be permitted in the Inner Harbor, except as permitted below.

A. Piers or wharves, or a combination of both, and mobile vessel hoists may be constructed subject to the following limitations:

1. No pier, wharf, pilings, or combination thereof, except pilings at the Public Landing that are municipally owned, shall extend beyond the wharf line as defined in these rules and regulations.
2. No wharf walkway shall exceed 12 feet in width and shall not extend beyond the wharf line.
3. No pier walkway shall exceed 12 feet in width and shall not extend beyond the wharf line.
4. If a wharf is used to connect two contiguous parcels of land in the same ownership that are separated by a brook; then the landowner of those two parcels shall be permitted to construct a wharf 12 feet wide for each parcel of land, but both 12 foot wide wharves shall be contiguous. Each of said wharves or the combination of both wharves, if the landowner elects to construct two wharves, shall not extend beyond the wharf line as depicted on Map B of the Official Zoning Map of the Town of Camden, and each wharf, or the combination of both wharves so permitted, shall not be closer than 6 feet from any Town street line. The landowner shall, nonetheless, comply with the application procedures and approval process of Article VI, Section 6 of these harbor Rules and Regulations.
5. In order to assure adequate berthing or docking alongside, piers shall not be constructed within 40 feet (horizontal distance) of an existing pier; and if more than one pier is to be constructed on property in the same ownership, the piers shall be separated by a minimum of 40 feet (horizontal distance).
6. The height of any pier walkway or wharf walkway above mean high water shall not exceed 6 feet.
7. Fender pilings, bollards, railings, or other accessory structures which extend above the walkway of a pier or wharf shall be limited to a height of 6 feet above the walkway. Railings shall be substantially open in construction to minimize visual interference from both shore and water.

8. No structures shall be permitted on piers, wharves or breakwaters except as temporary structures and permanent non-building type structures allowed under the regulations of the Zoning District.
9. Where a lot in a business district abuts a residential district, a wharf or pier shall be set back 10 feet from the line between the two districts.
10. Ramp platforms shall not exceed 20 square feet in area and shall not extend more than 4 feet beyond the wharf line as measured from the outside face of the piling. Ramp platforms shall be limited to one ramp platform in each 100 foot segment along the face of a wharf or pier and no closer than within 50 feet of any existing ramp platform as measured on either side. Construction of a ramp platform within the meaning of the subsection requires a permit under the terms of Article VI, Section 6 of this Harbor Ordinance.
11. A mobile vessel hoist may be constructed subject to the following requirements:
 - A. The mobile vessel hoist (including any attached floats and ramps) may extend seaward beyond the wharf line, but not greater than 130 feet from mean low water and provided that the mobile vessel hoist shall not extend into any navigational channel nor if applicable extend into the Outer Harbor at a greater distance than a line drawn 30 feet perpendicular to the Outer Harbor line dividing the Inner Harbor from the Outer Harbor;
 - B. The width of the mobile vessel hoist (including any attached floats and ramps) shall not exceed 60 feet in the Inner Harbor and shall not exceed 52 feet in the Outer Harbor;
 - C. The height of the pier for the mobile vessel hoist shall not be greater than 6 feet above mean high water;
 - D. No vessels or other vessels shall be attached to the end of the pier for the mobile vessel hoist in such a fashion as to cause the vessel or vessel to extend further seaward than the end of the pier for the mobile vessel hoist, except while in the process of being launched or hauled.
12. There shall be no landfill beyond the harbor line .
13. There shall be no breakwater constructed within the Inner Harbor.
14. New bulkheads shall not be constructed beyond the harbor line; however, existing bulkheads that extend beyond the harbor line may be repaired or replaced subject to the necessary Town, State, and Federal licenses, permits, rules and regulations.

Section 2. Outer Harbor

No piers, wharves, bulkheads, marine railways, mobile vessel hoists, private breakwaters, or any structure requiring a permit shall be permitted in the Outer Harbor, including Sherman Cove, except as permitted below:

- A. Wharves may be constructed provided:

1. The wharf shall not project more than 12 feet beyond the harbor line, or extend beyond mean low water, whichever is less.
 2. The wharf walkway height above mean high water shall not exceed 5 feet and the width shall not exceed 12 feet.
- B.** Pilings may be driven only for the purpose of supporting an approved pier or wharf. Fender pilings, bollards, railings or other accessory structures which extend above the walkway of a pier or wharf shall be limited to a height of 6 feet above the walkway. Railings shall be substantially open in construction to minimize visual interference from both shore and water.
- C.** Piers may be constructed subject to the following limitations:
1. The length of the pier shall not exceed 100 feet (as measured from the harbor line) or shall not extend beyond mean low water, whichever is less.
 2. The height of the pier walkway shall not exceed 6 feet above mean high water.
 3. The overall width of the pier shall not exceed 6 feet including all rails and supports at the pier walkway. The overall width of the granite or stone supports shall be in conformance to standard engineering practice.
 4. No pier shall be constructed within 30 feet horizontal distance of the point where the property line intersects the harbor line.
 5. No pier shall be built within 300 feet as measured along the shoreline from an existing or from an approved pier, wharf or breakwater.
 6. No structures shall be permitted on piers, wharves or breakwaters except as temporary structures and permanent non-building type structures allowed under the regulations of the Zoning District.
 7. Municipal piers and municipal launching ramps shall be exempt from (4) and (5).
 8. No piers, wharves, pilings, bulkheads, marine railways, mobile vessel hoists, or any structure requiring a permit shall be constructed within that area of Sherman Cove which lies northerly of a line commencing at a point on the shore where the northerly line of Marine Avenue intersects the harbor waters to a point on the easterly shore of the cove where the northerly line of Sherman Point Road intersects the harbor line.
 9. No bulkheads or breakwaters shall be constructed in the Outer Harbor beyond the harbor line.

10. No mobile vessel hoist shall be constructed or installed in the Outer Harbor except as stated in Article VI, Section 1, A, (11).

D. Municipal Piers, Wharves, and Launching Ramps may be constructed provided:

1. Any municipal pier at Steam Boat Landing shall not exceed 320 feet in length (as measured from the harbor line) and the width of the pier walkway shall not exceed 50 feet.
2. **Municipal piers built elsewhere in the Outer Harbor shall not exceed 150 feet in length (as measured from the harbor line) and the width of the pier walkway shall not exceed 16 feet.**
3. Floats shall be of size and construction needed for municipal piers, wharves and launching ramps.
4. The height of the pier walkway shall not exceed ten feet
5. Pilings or structures necessary for securing floats adjacent to municipal piers, wharves and launching ramps shall be permitted.

Section 3. Coastal Harbor

No piers, wharves, bulkheads, marine railways, mobile vessel hoists, private breakwaters, or any structure requiring a permit shall be permitted in the Coastal Harbor except as permitted below.

- A. Fender pilings, bollards, railings or other accessory structures which extend above the walkway of a pier or wharf shall be limited to a height of 6 feet above the walkway. Railings shall be substantially open in construction to minimize visual interference from both shore and water.

B. Wharves may be constructed in the Coastal Harbor area provided:

1. The wharf shall not extend more than 12 feet into the waters beyond the harbor line, or to mean low water, whichever is less.
2. The length of the wharf along the shore shall not exceed 40 feet or one-half the width of the upland lot, whichever is less
3. The height of the wharf walkway above mean high water shall not exceed 10 feet.

C. Piers may be constructed provided:

1. The length of the pier shall not exceed the shorter distance of the following:
 - A. 150 feet (as measured from the harbor line), or
 - B. To a point where the depth of the water at the end of the pier at mean low water does not exceed 6 feet.

2. The height of the pier walkway shall not exceed 10 feet above mean high water.
3. The overall width of the pier shall not exceed 6 feet including all rails and supports at the pier walkway. The overall width of the granite or stone supports shall be in conformance to standard engineering practice.

Section 4. Consolidated Piers

Consolidated piers, as defined herein and in the Zoning Ordinances, may be constructed on the Outer Harbor and Coastal Harbor areas provided:

- A. The consolidated pier shall not exceed 150 feet in length (as measured from the harbor line) or to a point where the depths of water at the end of the consolidated pier at mean low water is not more than 6 feet, whichever of the two measurements is less.
- B. Participating property owners shall have combined continuous, contiguous frontage of at least 600 feet.
- C. No consolidated pier shall be constructed within 300 feet as measured along the harbor line from an existing or from an approved consolidated pier, wharf, breakwater or other similar construction.
- D. The consolidated pier shall not be constructed within 30 feet (horizontal distance along the shoreline) of the exterior property lines of the combined properties, as the consolidated pier intersects the harbor line.
- E. The height of the consolidated pier walkway above mean high water shall not exceed 6 feet above mean high water in the Outer Harbor and 10 feet above, mean high water in the Coastal Harbor.
- F. Fender pilings, bollards, railings or other accessory structures which extend above the walkway of a consolidated pier or wharf shall be limited to a height of 6 feet above the walkway. Railings shall be substantially open in construction to minimize visual interference from both shore and water.
- G. The width of the consolidated pier shall not exceed 6 feet including all rails and supports at the pier walkway.
The overall width of the granite or stone supports shall be in conformance with standard engineering practice.
- H. Construction of a consolidated pier shall not be such as to substantially impede the public's right of passage over the shores and flats.
- I. Where two or more property owners combine to participate in a consolidated pier under this provision, common use easements shall be provided for the use of the pier.
- J. Pier rights on properties contributing to a consolidated pier shall be relinquished by the property owners in a written statement.

- K.** Recordable instruments or agreement on cross easements shall be submitted with the application and certified by the applicant(s) in writing to the Planning Board.

Section 5. Permit Approval Requirement

No mobile vessel hoists, piers, wharves, bulkheads, breakwaters, marine railways or other structures shall be constructed, enlarged or improved except upon approval and issuance of a permit in accordance with Section 6 of these Harbor Rules and Regulations.

Section 6. Procedure for Permit

- A.** Any construction, renovation, or improvement of a mobile vessel hoist, pier, wharf, bulkhead, breakwater, marine railway or other structure shall require an application to the Code Enforcement Officer of the Town of Camden. Written application shall include the following information:
- 1.** Evidence of submission of application for applicable State and Federal licenses, permits and approvals.
 - 2.** Evidence of submission of application for applicable Army Corps of Engineers licenses, permits and approvals.
 - 3.** A site plan, stamped and sealed by an engineer, registered in the State of Maine, at a scale of not greater than 1 inch to 20 feet. The plan shall show:
 - A.** The length and width of the proposed project.
 - B.** The harbor line and wharf line, mean high water and mean low water.
 - C.** Side property lines as extended from the upland across the shores and flats.
 - 4.** An elevation showing the height of the structure in relation to mean high water and mean low water.
 - 5.** A pier or wharf section.
 - 6.** A plan showing the location and type of lighting.
- B.** A permit under this section shall not be issued by the Code Enforcement Officer until all applicable State and Federal licenses, permits and approvals and local approvals under this section have been received.
- C.** The Code Enforcement Officer shall review the application for compliance with paragraph (A) above and the applicable requirements of the Town of Camden Zoning Ordinance. In the event the Code Enforcement Officer determines the application is complete, then the application, together with related documents shall be dated and forwarded within 10 business days to the Harbor Committee. The Harbor Committee shall within 10 business days of the date of receipt, convene a meeting for review of the application. The review and comments of the Harbor Committee shall be in writing,

shall specifically address the standards in Article VI, Section 6, shall state the reasons for the comments and shall be forwarded to the Select Board for their review and action.

- D. Upon receipt of the review and comments of the Harbor Committee, the Select Board (after a public hearing) shall either approve, approve with conditions or disapprove the proposed project, in accordance with the standards of Article VI, Section 6, of these Harbor Rules and Regulations.
 - 1. If disapproved, the disapproval shall be in writing and shall include the reasons for disapproval.
 - 2. If approved, the approval shall be in writing and shall not be effective until approval by the Planning Board under site plan review.
- E. The application, together with the action taken by the Select Board, shall be returned to the Code Enforcement Office within 60 days of the date that the application was determined to be complete unless otherwise mutually agreed to by the applicant and the Select Board.
- F. The Select Board shall review the project for compliance with the applicable provisions of the ordinance set forth therein above and, in addition thereto, the following standards. The Select Board, as part of its review, shall hold at least one public hearing

1. The Inner Harbor

That the proposed project will not:

- 1. Encroach into, interfere with, or pose a hazard to navigational channels.
- 2. Substantially interfere with access to and from existing mooring and berthing areas for both commercial and recreational uses.
- 3. Substantially displace or eliminate the existing mooring and berthing areas, both public and private, commercial and recreational.
- 4. Substantially interfere with public access to and use of the Harbor waters.

2. The Outer Harbor and Coastal Harbor

That the proposed project will not:

- A. Interfere with, or pose a hazard to, the navigational channels between the Inner Harbor and the bay and from the public vessel ramp to the main channel.
- B. Substantially eliminate or interfere with existing and designated mooring and anchorage areas and access thereto.

- C. Substantially reduce or interfere with existing shell fishing and clamming areas, and access thereto.
- D. Interfere with public vessel launching and pier facilities.
- E. Substantially block or interfere with public rites of passage and uses of the shores and flats.
- F. Adversely affect small recreational boating activities to a substantial degree.
- G. Construction of approved projects shall commence within one year from the date of approval by the Select Board and shall be completed within two years from the date of issuance of the building permit.
- H. The decision of the Select Board concerning issuance or denial of the permit may be appealed to the Superior Court by the aggrieved party within 30 days of the date of decision and in accordance with Rule 80B of the Maine Rules of Civil Procedure.
- I. Notwithstanding the above provisions of Article VI, Section 6, regular maintenance and emergency repair of piers, wharves, mobile vessel hoists, breakwaters, or bulkheads, as defined below, shall not require a permit under the Harbor and Waterways Ordinance, except as stated expressly in the following paragraphs of this provision.

In the event that regular maintenance or emergency repairs to piers, wharves, or mobile vessel hoists require the removal of existing pilings and the replacement of those pilings along the outermost side of the pier or wharf facing the waters of the harbor, then the person causing such normal maintenance or emergency repairs shall submit to the Code Enforcement Officer a site plan, stamped and sealed by an engineer, registered in the State of Maine, at a scale of not greater than one inch to twenty feet, which shows specifically the location of existing pilings and decking for the pier, wharf, or mobile vessel hoists and the proposed locations of new or replacement pilings and decking in connection with such normal maintenance or emergency repairs.

Any person causing such normal maintenance or emergency repairs shall submit to the Code Enforcement Officer, together with the building permit application for such work, required by the Camden Zoning Ordinance, a description of the work for such normal maintenance or emergency repairs which provides the Code Enforcement Officer with sufficient information to determine whether the proposed project conforms with the meaning of “regular maintenance” or “emergency repairs” as set forth in this provision.

In the event that the Code Enforcement Officer determines that insufficient information has been provided by the applicant for the building permit, the Code Enforcement Officer can request additional information,

If the Code Enforcement Officer determines that the applicant for the building permit proposes to perform work that does not constitute regular maintenance or emergency repairs, then the Code Enforcement Officer shall direct that applicant to obtain a permit in accordance with the provisions of Article VI, Section 6 of this Ordinance. If, after following the normal permit review procedure as described in Article VI, Section 6, the

Select Board concludes that the permit requested is for work that does not constitute regular maintenance or emergency repairs, the Select Board shall treat the request as if it were for a new structure or facility, and shall deny the permit if the type of structure or facility proposed is prohibited in the subject area of the harbor.

The person causing regular maintenance or emergency repairs shall take photographs of that maintenance or repair, both before and after the completion of work. Such photographs shall be submitted to the Code Enforcement Officer and retained as a permanent record with a copy of the building permit delivered to the Harbormaster.

For purposes of this provision, regular maintenance shall mean restorative work, including replacing decking, and refurbishing of portions of the decking or pilings of wharves, piers, or mobile vessel hoists for the purpose of preserving those structures and maintaining the structural integrity of those structures and in order to counteract the effects of usual wear and tear caused by the use of those structures in marine related activities.

For purposes of this provision, emergency repairs shall mean replacement and relocation of pilings, decking, or underpinning replacement which requires rapid action in order to avoid a dangerous condition which threatens life or injury to any person or which threatens property damage; emergency repairs shall include, by way of illustration, repairs arising out of storm damage, fire, and the threat of imminent collapse of a pier, wharf, or mobile vessel hoist.

Section 7. Landfill

There shall be no landfill beyond the harbor line in any of the harbor areas, except as may be required for the proposed construction of a municipal pier or municipal vessel launching ramp in the outer harbor.

Section 8. Floats and Ramps

Floats and ramps attached to piers, wharves, bulkheads, or breakwater shall be approved in writing by the Harbormaster in the event that the standards are met by the applicant as follows:

A. The Inner Harbor

1. Combination of vessels, floats and ramps shall be permitted up to 40 feet from the wharf line provided such combination is consistent with standards as determined by the Harbormaster set forth in Article VI, Section 6(F), for the Inner Harbor.
2. Combinations of vessels, floats and ramps extending more than 40 feet beyond the wharf line shall be consistent with the standards as determined by the Harbormaster as set forth in Article VI, Section 6, (F) for the Inner Harbor and shall require the written permission of the Harbormaster.
3. No buildings or structures shall be permitted on any floats.
4. Municipal piers and municipal launching ramps shall be exempt from Sections (1) and (2).

B. The Outer and Coastal Harbor

1. A float with connecting ramp may be extended to no more than 50 feet beyond the end or outer edge of the pier, wharf, breakwater or bulkhead as measured to the outside edge of the float, provided said float and ramp arrangement is consistent with the standards set forth in Article VI, Section 6, (F).
2. In the Outer Harbor, the float shall not exceed 240 square feet in area and no dimension shall exceed 30 feet. In the Coastal Harbor, the float shall not exceed 360 square feet in area and no dimension shall exceed 30 feet.
3. No buildings or structures shall be permitted on the floats.
4. Municipal piers, municipal launching ramps, and extensions of existing dock systems for commerical marinas established on or before June 13, 2017, shall be exempt from (1) and (2).

Section 9. Marine Railways

- A. Alteration and/or renovation of existing marine railways is permitted in both the Inner Harbor and Outer Harbor upon application for a permit and approval of that permit in accordance with procedures of Article VI, Section 6 of these Harbor Rules and Regulations provided, however, that the Select Board approves that project in accordance with the following standards:
 1. That alterations and/or renovations, and the subsequent use thereof, will not adversely affect the standards of the Inner and Outer Harbor as set forth in Article VI, Section 6 above, and;
 2. That the alteration and/or renovation have been approved by the appropriate State and Federal Agencies.
 3. A repair that does not require the State Department of Environmental Protection and/or U.S. Army Corps of Engineers permits or licenses shall not require a permit under these Rules and Regulations.

ARTICLE VII PENALTY

The master, owner or owners of any vessel, vessel or raft, or any other person who shall violate any of the provisions of this ordinance, for which a specific penalty is not set forth herein, or for which a specific penalty is not otherwise provided by the laws of the State of Maine, shall be subject to the monetary penalties set forth in Title 30-A, M.R.S.A., Section 4452, which includes, without limitation, a minimum penalty for a specific violation in the amount of \$100.00 and a maximum penalty for a specific violation in the amount of \$2,500.00. Such penalties shall be recoverable in the District Courts or Superior Court of the State of Maine in accordance with Title 30-A, M.R.S.A., Section 4452, as amended from time to time.

Violations of this ordinance which also constitute violations of the laws of the State of Maine with regard to speed restrictions, operation of a vessel so as to endanger persons or property, reckless operation of a vessel, and operation of a vessel under the influence of drugs or liquor, which such restrictions are set forth in Title 38, M.R.S.A., Section 285, shall be subject to the penalties set forth in state law.

In addition to the monetary penalties set forth herein, a violator of this ordinance shall also be subject to an order of abatement of the violation as set forth in Title 30-A, M.R.S.A., Section 4452, as amended from time to time; and that violator shall further be subject to an action by the Town of Camden, in a court of competent jurisdiction, for injunctive relief in order to prevent or abate violations of this ordinance.

ARTICLE VIII SEPARABILITY

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

APPENDIX A

Mooring Specifications for Camden Harbor

All moorings shall meet the minimum standards as set below prior to placement. These standards are set for normal weather conditions. In the event of gale winds or stronger and/or extreme tides, it is the mooring owner's responsibility to ensure certain precautions are taken. The Town of Camden realizes that mooring loads are variable, that it is impossible to say that all vessels of equal length require the same size mooring, and such standards cannot be applied to all vessels. The Harbormaster or it's designee, reserve the right to require a vessel owner to increase the minimum mooring standard for any vessel should they feel the minimum standard would be inadequate for the vessel because of unusual design, such as but not limited to excessive weight, wind age, or draft.

Furthermore, the Town of Camden shall not be held liable for any damage inflicted if a minimum standard mooring fails. The safe serviceable condition and adequate size of all mooring equipment is the ultimate responsibility of the mooring permit holder. The prudent seaman rule shall apply.

Minimum Mooring Specifications

Vessel Length	Granite Dry Weight	Bottom & Top Chain		Pennant Size
0-16	1000 #	½"	3/8"	½"
17-22	2000 #	¾"	3/8"	½"
23-30	4000 #	1"	½"	5/8"
31-40	5000 #	1"	½"	¾"
41-50	6000 #	1"	5/8"	1"
51 +	Harbormaster Approval			

All granite moorings shall have a minimum staple diameter of 1".

All Moorings

Any mooring other than a granite block shall be at the Harbormasters discretion.

The bottom chain length shall be 5' more than the depth at mean low water (MLW) and the top chain length shall be to the depth at mean high water mark (MHW). When a mooring site is at deeper water than 15' mean low water (MLW), the length of bottom chain shall be at least 20' and the combined chain length will equal the depth of mean low water (MLW) plus depth of mean high water (MHW).

All chain and connecting shackles shall be of USA manufacture and shackle pins shall be secured with multi-strand SS wire. All shackles shall be a minimum of one size larger than the chain it is attached to.

Pennants shall be made of nylon or Harbormaster approved type line and shall have proper chafe gear. The pennant length shall be two times the height from the bow chock to the water, plus the distance from the chock to the cleat on deck.

Mooring buoys shall be inflated, formed, molded or fabricated from styrofoam, rubber, plastic or fiberglass and shall be a minimum of 18 inches in diameter.

All transient/service moorings shall be white and marked with the owner's identification, mooring number and maximum vessel length.

All private moorings shall be marked with the vessel name and mooring number.

The use of wood mooring spars is prohibited.

Winter mooring markers shall not be installed prior to September 15th and must be removed prior to June 15th.

Inner Harbor

Inner Harbor Mooring Floats shall be moored fore and aft by two 4000-pound blocks with 1-inch staples, 45 feet of 1-inch bottom chain, to a $\frac{3}{4}$ -inch single or 1 $\frac{5}{8}$ inch bridle top chain on each end.

Numbers assigned by the Harbormaster shall be affixed to both ends of the float.

This administrative procedure was approved by the Select Board on September 15, 2003, with an effective date of November 5, 2003, and amended on March 16, 2010. It replaces "The Minimum Standards for Mooring Equipment", dated July 17, 1991. (need to change date when approved)

APPENDIX B

Mooring Sale and Site Assignment Procedure

MOORING SITE: A specific point on the ocean bottom in a mooring area assigned by the Harbormaster.

MOORING GEAR: Any apparatus placed on the harbor bottom under the direction of the Harbormaster for purposes of securing a vessel. Such apparatus includes mooring gear and mooring hardware and is not carried aboard a vessel as regular equipment

PART I – Mooring Gear Seller

1. You must first remember that you are selling mooring gear only and not the assigned mooring site it occupies.
2. Mooring sites are assigned by the Harbormaster on a first-come, first-served basis and in accordance with vessel size and length.
3. The new mooring site holder does not have to buy your mooring gear.
4. You may rent your mooring gear to the new mooring site holder.
5. Following written notice from the harbormaster, moorings Will be removed within 14 days at seller's expense, put ashore on the east side of the public launching ramp at least 30 feet from the paved ramp area and above the low water mark and marked for identification by harbormaster. .
6. Mooring gear left over 60 days at the mooring gear storage area will be considered abandoned and disposed of by the Harbormaster.
7. The name of the new mooring site holder will be given to you and your name will be given to the new mooring site holder for sale of your mooring gear. Please remember that the new site holder is not obligated to buy your mooring gear.

PART II – New Mooring Site Permittee

1. You have 14 days from the date of notification from the Harbormaster advising you of the availability of a mooring site to decide if you want the mooring site and 30 days to complete the transaction.
2. You must provide mooring gear for the site in accordance with the minimum standards established such for Camden Harbor.
3. You are not obligated to buy or rent the previous mooring site holder's mooring gear, but you may choose to buy or rent mooring gear from the previous site holder. His/her name will be provided to you and your name to him/her.

This administrative procedure was approved by the Select Board on (NEED TO PUT DATE IN), with an effective date of (NEED TO PUT DATE IN). It was originally dated July, 1993.

APPENDIX C

Inner Harbor Mooring Float Specifications and Procedure

1. Floats will be positioned according to the Inner Float Plan, developed by the Harbor Committee (see appendix H).
2. Adjustments to the Float Plan may be made by the Harbormaster as needed, as long as no float is moved outside the footprint permitted by the Corp of Engineers on 11/2/1992.
3. Additional floats may be added to the Inner Harbor Float Plan by the Harbormaster, with approval of the Select Board.
4. The maximum 30-foot by 6-foot size of floats, and the maximum 42-foot TVL by 14-foot beam and minimum 22-foot size of vessels tied to them, is prescribed in the Harbor and Waterways Ordinance.
5. Each float must be moored south and north to granite mooring stones each of which weighs a minimum of 2 tons with a minimum 1-inch staple, and moorings may be shared.
6. The Harbormaster will specify the location of all moorings and the total length of chain from mooring stone to float.
7. Bottom chain shall be minimum 1-inch chain with a minimum length of 45 feet. Top chain shall be either a single $\frac{3}{4}$ -inch chain with $\frac{7}{8}$ inch shackles or a bridle composed of two separate $\frac{5}{8}$ inch chains and $\frac{3}{4}$ inch shackles. All top chain shackles are to be U.S. made, and all top chains U.S. made and of long link, “mooring” style.
8. Top chain lengths will be specified by the Harbormaster, and no extra slack will be allowed, but owners are encouraged to leave some extra chain hanging past the float shackle so that adjustments can be made at the direction of the Harbormaster.
9. Where bottom chains cross, the south headed chain will be led on the west side of the crossing.
10. All floats, chains, and moorings will be subject to regular inspection as set out in the Ordinance or other administrative procedures.
11. No buildings or structures shall be permitted on any floats.

This administrative procedure was approved by the Select Board on September 15, 2003, with an effective date of November 5, 2003.

APPENDIX D

Mooring Application Procedure

Pursuant to Article V, Section 6, of the Harbor and Waterways Ordinance, the Select Board hereby adopts the following administrative procedure concerning the time period for application for a position on the mooring site permit waiting list and the information which shall be set forth in that application:

1. No later than January 1st of each year, the Harbor Clerk or the duly appointed agent of the Harbor Clerk shall send a written notice to each person who was on the waiting list for a mooring for the prior year notifying that person that an application for a mooring site permit must be filed, on a form provided by the Town office, no later than January 31st for that year. The form provided by the Town office shall include the mailing address and legal address of the applicant, an indication whether the applicant wishes to be placed or retained on the waiting list, the type of mooring; that is, finger float, Inner Harbor Float Inner Harbor Mooring Float or mooring, for which the application is submitted and information about the boat vessel that will use the mooring site. The application must be signed by the applicant. The application shall contain other information requested by the Harbor Clerk. The written notice shall be sent to anyone who has been placed on the waiting list during the prior year for a mooring site.

The application shall be accompanied by an application fee to cover the cost of mailing and other administrative costs.

2. In the event that a person to whom notice has been sent as set forth above fails to respond on or before January 31st then on February 1st, the Harbor Clerk or the designated agent of the Harbor Clerk shall send a second written notice, by certified mail, with return receipt requested, mailed to the last known address of the person on the waiting list for a prior year. This notice shall notify that person that an application for a mooring site permit on a form approved by the Town office must be received by the Harbor Clerk by March 1st, accompanied by the application fee and an additional late fee as set forth in the Harbor Fee schedule approved by the Camden Select Board.

3. In the event that the person to whom a certified letter is sent, as set forth above, fails to file an application together with the fees set forth by March 1st, then the person on the waiting list from a prior year failing to respond shall be removed from the waiting list.

This administrative procedure was approved by the Select Board on September 15, 2003, with an effective date of November 5, 2003 and amended on April 29, 2008. It was originally approved on April 6, 1998.

APPENDIX E

Memorial Bench Policy

New Memorial Benches:

In 2001, there was room at the Public Landing for approximately 12 new memorial benches. The Harbor Committee proposed that the new benches were separate from the existing ones and that the Town should expeditiously solicit donations for them as follows:

1. Each bench will be six feet long and similar in construction to the present memorial benches.
2. Each bench will include one engraved plank with up to 40 letters inscribed “In memory of...”, “Dedicated to...”, “Courtesy of...”, “A gift from...”, or similar. Extra lettering that can fit on the plank will be charged extra.
3. The Harbor Committee reserves the right to approve proposed text.
4. The donor will pay fees for the cost of the bench and a 10-year maintenance plan as set forth in the annual harbor fee schedule.
5. In the spring of the 10th year, the owner will be notified and offered the opportunity to continue maintaining the bench at an annual fee set forth in the harbor fee schedule. Donors who do not wish to continue a maintenance plan may ask to have the bench returned to them during the winter of the 10th year.
6. Donors will be responsible for keeping an active address on file with the Camden Harbor Clerk. Donors who fail to respond to a maintenance renewal notice within 90 days will forfeit their right to their bench.
7. Public notice will be made when there is space available for new memorial benches, and applications collected for 60 days. Each donor is limited to one application. If there are more applications than spaces available, the Harbor Committee will choose applications by lottery.
8. The Harbor Committee reserves the right to approve applications, with the criteria being a satisfactory demonstration of association with the Town of Camden.
9. The Harbor Committee also reserves the right to place “orphan” benches into the Sponsor a Bench program.

10. The town reserves the right to terminate the memorial bench program at any time, returning the benches to their donors and refunding maintenance monies on a prorated basis.

Existing Memorial Benches as of 2001:

There were 20 existing memorial benches at the Public Landing in 2001 when these procedures were originally adopted. The town did its best to identify the donors of those benches, and to give them an opportunity to sponsor the ongoing maintenance of those benches at fees set forth in the annual harbor fee schedule. As with new benches, donors are responsible for keeping an active address on file with the Camden Harbor Clerk, and donors who fail to respond to a maintenance renewal notice within 90 days will forfeit their right to their bench. As of June 1, 2008, any of the existing original benches that do not have sponsored maintenance will be deemed abandoned, but may also be eligible for placement into the Sponsor a Bench program.

Sponsor a Bench Program:

The Sponsor a Bench Program is designed to provide a way for citizens of Camden to preserve enduring symbols of Camden Harbor's history by sponsoring named benches that no longer have sources of funding. While the Harbor Committee will decide which benches will go into the Sponsor a Bench program, the program itself will be administered by the town office.

When the regular sponsorship period of a bench ends, the town will notify the original sponsors of their choices.

1. They can continue sponsoring the bench by paying to the town an annual maintenance fee set forth in the fee schedule.
2. They can have the bench returned to them at a location in the Camden area.
3. They can ask that the bench go into the Sponsor a Bench Program.

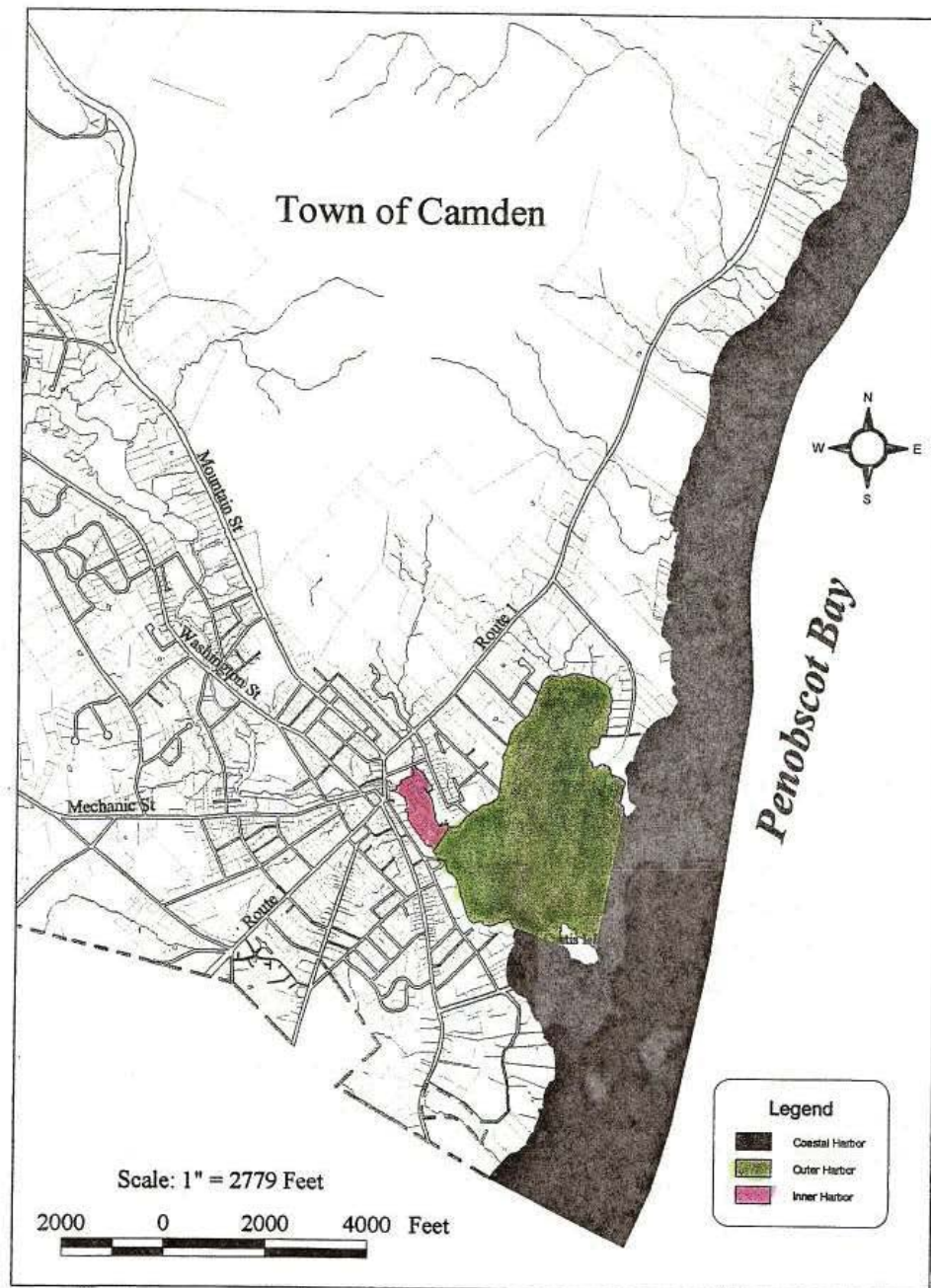
If there is no response within 90 days, the town will notify the Harbor Committee that the designated bench no longer has a sponsor. The Harbor Committee will then determine if the named bench is of significant historical value to be in the Sponsor a Bench Program. If so, the committee will instruct the town office of its decision. The town office will then give sufficient public notice that the named bench is in the Sponsor a Bench Program and the town is welcoming sponsors. Sponsorships will be awarded (or welcomed) in order of their completed applications that the town office will track.

The cost for sponsoring a bench shall be set annually and will be in the fee schedule. The sponsor adopts the bench as named. While the name on the bench does not change, there may be provisions to recognize the sponsoring person or organization.

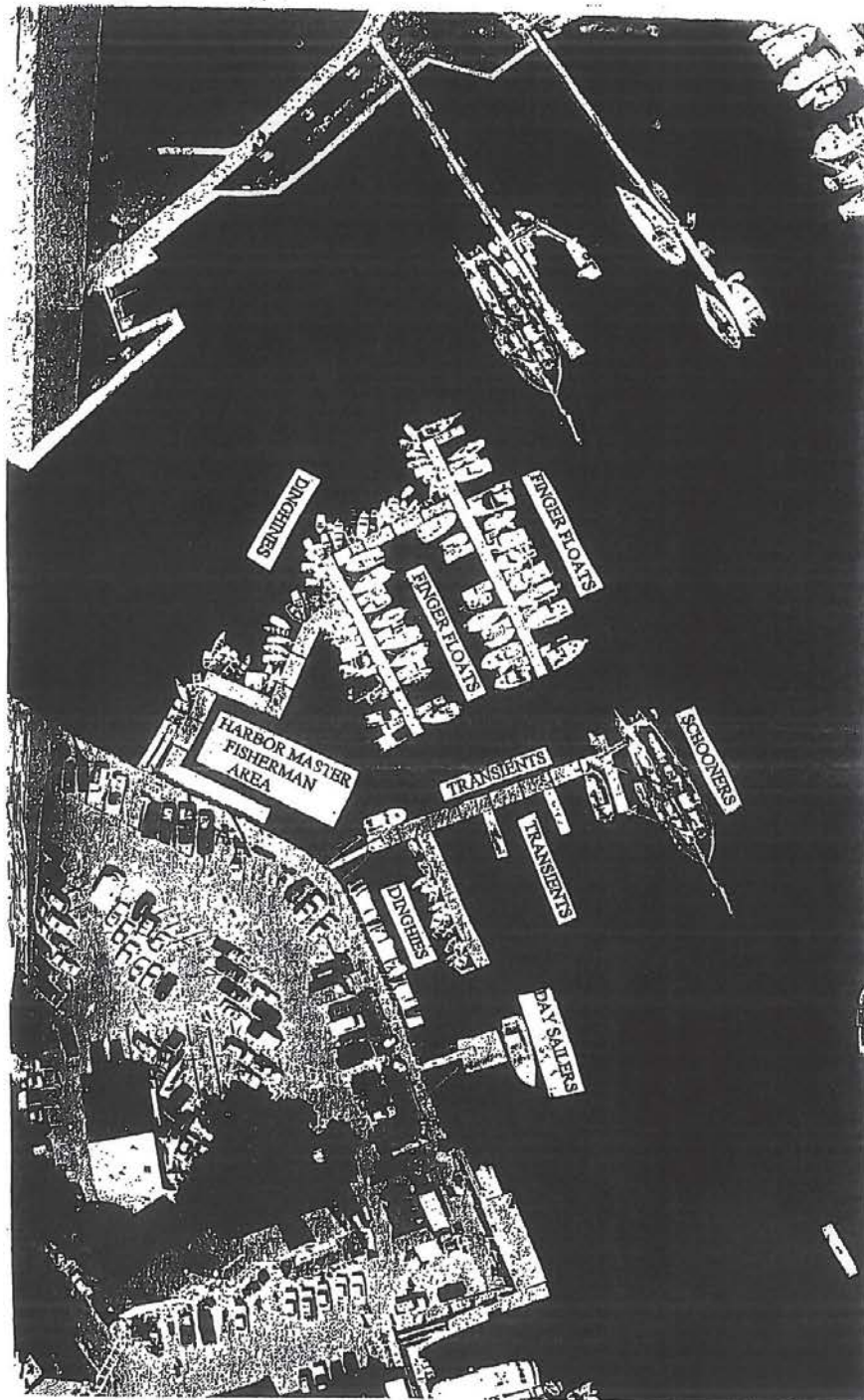
This administrative procedure was approved by the Select Board on September 15, 2003, with an effective date of November 5, 2003 amended on April 29, 2008; and January 26, 2009. It was originally approved on February 5, 2001.

APPENDIX F
Map of Inner, Outer and Coastal Harbor

Appendix F



APPENDIX G
Public Landing Float Plan



APPENDIX G
Public Landing Float Plan

APPENDIX H

Inner Harbor Mooring Float Plan

(See Page 52)



APPENDIX I

Mooring Float Agreement

This agreement is executed pursuant to the requirements of the Harbor and Waterways Ordinance of the Town of Camden. For valuable consideration, the undersigned parties hereby agree and covenant that the mooring float described below shall be shared and used between/among them on the terms and conditions set forth in this agreement as follows:

1. At all times all permittees shall comply with all requirements of the ordinances of the Town of Camden, including the Harbor and Waterways Ordinance.
2. Nothing in this agreement shall eliminate each individual party's obligation of joint and several liabilities to comply with all terms, obligations, costs, fees and conditions imposed by the Ordinances of the Town of Camden.
3. The undersigned parties agree that the cessation of use by any particular party does not eliminate that party's share and responsibility of all fees and expenses of maintenance concerning that mooring float. Such responsibility shall continue until that mooring float is removed from the mooring and all fees and expenses have been paid to the Town of Camden, and until such time as another person has assumed use of the mooring float, obtained permission from the Town of Camden, and paid any and all outstanding fees or expenses of maintenance associated to the mooring float either to the Town of Camden, or any other third person, or party to this agreement.
4. In the event that any of the undersigned parties cease to use the mooring float or the use of the mooring float otherwise terminates, then the purchase price of the person's share of the mooring float, which is affected by that termination shall be disclosed in writing to Camden Harbormaster. The purchase price for the person's share of the mooring float shall not exceed one-half of the current fair market value of the mooring float. Prior to any sale to a third person or other party, said share in the float shall first be offered to the Town of Camden to purchase at fair market, consistent with the terms and conditions of the Harbor and Waterways Ordinance of the Town of Camden. The selling party must obtain a written release from the Town of Camden prior to sale to a third person. Said release shall not be unreasonably withheld in the event that the Town of Camden does not wish to exercise its right of first refusal to purchase said interest.
5. In the event of a dispute by the undersigned parties concerning maintenance and/or costs, taxes or fees related to the mooring float, the parties shall advise the Harbormaster of such dispute. The parties are then encouraged to resolve the matter informally and then so advise the Harbormaster who shall render a decision which may be appealed pursuant to Art. V, Sec 6.D. . In the event that the parties refuse or fail to make a timely appeal, all permits relating to the mooring and float in question may be immediately terminated by the Harbor Committee. Except as specifically authorized in the Harbor and Waterways Ordinance of the Town of Camden, the transfer of a mooring float space shall not be permitted. The Mooring Float, which is subject to this agreement, is described as follows:

The undersigned parties agree that the original of this agreement shall be submitted together with any application for a permit for any mooring float space to the Harbormaster of the Town of

Camden. The terms and conditions herein shall run with and be a part of any permit issued by the Town of Camden for the mooring float in question. The parties agree that the Town of Camden may enforce the terms and conditions of this agreement through Court action and/or injunctive relief. In the event of such action, the mooring float owners shall be jointly and severally liable for the attorneys' fees incurred by the Town of Camden.

The parties hereby certify that they have read, understood and comply with the terms and conditions of the Harbor and Waterway Ordinances of the Town of Camden and the definitions used therein apply to this document.

Dated: _____

TOWN OF CAMDEN

By: _____

By: _____

By: _____

By: _____

By: _____

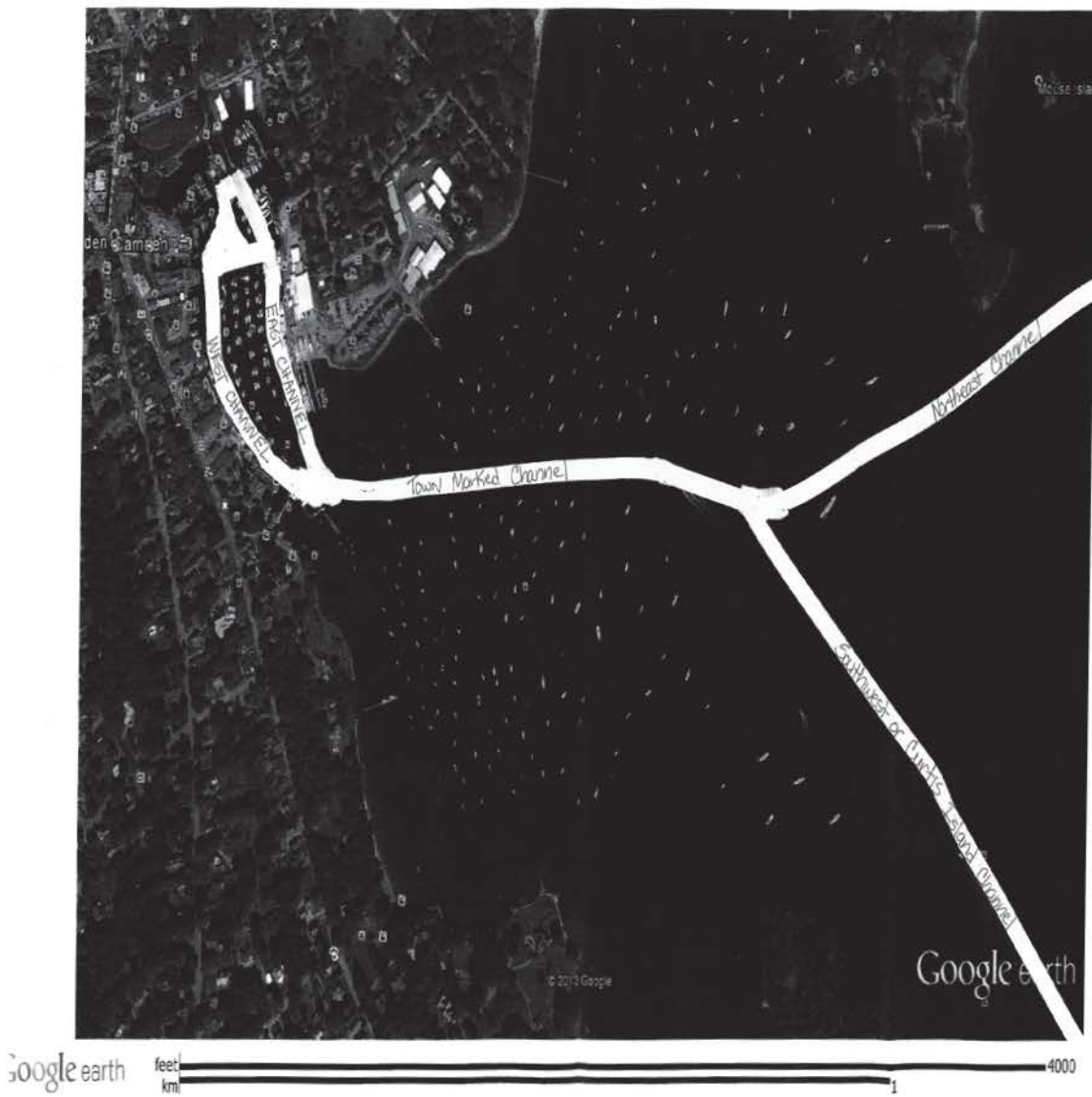
Receipt of original of this Mooring Float Agreement by and between _____ and
_____ acknowledged hereby on the above date by:

_____ Date: _____

APPENDIX J

HARBOR CHANNEL PLAN

(See Page 56)



APPENDIX J
HARBOR CHANNEL PLAN

HISTORICAL NOTES

Historical Note: Original Harbor Rules and Regulations adopted October 3, 1977; new ordinance adopted March 12, 1990 and revised as listed below:

REVISED JUNE 8, 1993
REVISED NOVEMBER 2, 1993
REVISED NOVEMBER 4, 1997
REVISED JUNE 9, 1998
REVISED NOVEMBER 3, 1998
REVISED JUNE 8, 1999
REVISED NOVEMBER 2, 1999
REVISED JUNE 12, 2001
REVISED NOVEMBER 6, 2001
REVISED JANUARY 29, 2002
REVISED JUNE 10, 2003
REVISED NOVEMBER 4, 2003
REVISED JUNE 12, 2007
REVISED NOVEMBER 6, 2007
REVISED APRIL 29, 2008
REVISED JANUARY 26, 2009
REVISED MARCH 16, 2010
REVISED NOVEMBER 5, 2013
REVISED NOVEMBER 3, 2015
REVISED JUNE 13, 2017

State Law Reference: 38 MRSA, Section 1 et seq.

CHAPTER VIII
TOWN OF CAMDEN POLICE ORDINANCE

PART I-E
LODGING ESTABLISHMENT LICENSING ORDINANCE

Section 1 - Preamble

The Town of Camden hereby adopts the following Lodging Establishment Licensing Ordinance to provide for the orderly enforcement of regulations, limitations, restrictions and other requirements relating to the operation of Lodging Establishments.

Section 2 - Authority. This Ordinance is enacted pursuant to and in accordance with, the provisions of Title 30-A M.R.S.A., Section 3811 (1) and the Home Rule Authority granted to the Town in accordance with the provisions of Title 30-A M.R.S.A., Section 3001.

Section 3 - Definitions.

3.1 Lodging Establishment- An overnight accommodation with sleeping arrangements provided for a fee which is considered, for purposes of this Ordinance, to be either an inn or a hotel/motel, as defined below:

Inn- A type of lodging based in the permanent dwelling of the person or family acting as proprietor and that lodging accommodates, for a fee, travelers and other transient guests who are staying for a limited duration. An inn (1) has ten or fewer sleeping rooms offered for rent; (2) does not provide full service dining, but may serve breakfast and/ or an afternoon snack to guests only; and (3) may be allowed to host up to eight special functions per year, including the serving of meals to such gatherings, provided that written notification is provided to the Code Enforcement Officer and the parking for such functions is provided on-site or through other off-street arrangements.

Hotel/Motel- A commercial building or group of buildings built or converted to accommodate, for a fee, travelers and other transient guests. A hotel or motel facility may include restaurant facilities where food is prepared and meals served only to its overnight guests.

3.2 Licensing Board- The municipal officers of the Town.

3.3 License- A license issued pursuant to this Ordinance.

3.4 Licensee- Any person who maintains an unexpired license pursuant to this Ordinance.

3.5 Operator- Any person who operates a Lodging Establishment.

3.6 Person- Any individual, person, firm, corporation, association, partnership, or organization.

Section 4 - License required

No person may operate a Lodging Establishment without a License issued hereunder. No person shall operate a Lodging Establishment with more rental rooms than set forth in a License issued hereunder.

Section 5 - Applications

Every person required to procure a License under the provisions of this Ordinance shall submit an application for such License to the Municipal Officers or their designated agent.

5.1 Form- Each application shall be in a form prescribed by the Licensing Board.

5.2 Contents- The application for a Lodging Establishment License shall set forth the following information.

- (a) the name, address, and telephone number of the applicant
- (b) the number of rooms available for rent to the public; and floor plan of the establishment;
- (c) any additional information the Licensing Board shall find reasonably necessary to a determination as to whether a License should issue.

5.3 Approval process. The Licensing Board shall, within 20 days of receiving a License application, notify the applicant whether the application is complete. If the application is determined to be incomplete, the Licensing Board shall notify the applicant in writing of the specific information necessary to complete it. It shall be the responsibility of the applicant to provide information that documents the authorized capacity of the Lodging Establishment. Within 20 days after the application is determined to be complete, the Licensing Board shall decide whether or not to issue a license.

5.4 Criteria for issuance of License. The Licensing Board shall within forty (40) days of receiving a license application which is considered complete, issue a license to any operator who demonstrates good moral character and who meets the following requirements:

- (1) The operator has not been convicted of a crime in the State of Maine or in any other jurisdiction which is punishable by one year or more imprisonment or for any other crime committed with the use of a dangerous weapon or of an offense involving the use of a firearm against another person within five (5) years of the date of application.
- (2) There is no formal charging instrument now pending against the operator in the State of Maine or any other jurisdiction for a crime which is punishable by one year or more of imprisonment or for any other crime allegedly committed by the operator with the use of a dangerous weapon or of an offense involving use of a firearm against another person.
- (3) The operator has not been adjudicated to be an incapacitated person pursuant to State law or, if such adjudication has occurred, that designation has been removed by order under Title 18-A M.R.S.A., Section 5-307 (b).
- (4) The operator has not been dishonorably discharged from the military forces within the past five (5) years.

(5) The operator is not an illegal alien.

(6) The operator has not had three or more convictions for crimes punishable by less than one year imprisonment within five (5) years of the date of the application.

(7) The operator has not been adjudicated as having committed a juvenile offense pursuant to the laws of the State of Maine or any other jurisdiction within five (5) years of the date of application.

(8) With the license application, the operator shall sign an authorization permitting the Code Enforcement Officer to inspect the Lodging Establishment. Prior to issuance of a License, the Code Enforcement Officer shall notify the Licensing Board by an appropriate signed notation on the application form that the Code Enforcement Officer concludes, that the Lodging Establishment complies with the Zoning Ordinance of the Town of Camden. Under no circumstances shall the Code Enforcement Officer's conclusions based upon an inspection be considered any official determination by the Code Enforcement Officer that the operator complies with the Zoning Ordinance of the Town of Camden for purposes of the administration or enforcement of that Zoning Ordinance.

(9) With the license application, the applicant shall sign an authorization permitting the Fire Chief or designated agent to inspect the establishment that is the subject of the application. Prior to issuance of said license, the applicant shall meet the criteria of the Life Safety Code as referenced in the Camden Fire Protection and Prevention Ordinance.

5.5 Existing Lodging Establishments. All operators of existing Lodging Establishments shall apply for a License pursuant to this Ordinance within 120 days of the effective date of this Ordinance.

5.6 License renewal. The criteria for a license renewal shall be the same criteria set forth in Section 5.4 for the issuance of the initial license.

5.7 Conditional License. In the event that the inspections of the Code Enforcement Officer or the Fire Chief as required in Section 5.4 do not occur prior to the Licensing Board's meeting to consider the License, the Licensing Board shall have the authority to issue a Conditional License contingent upon satisfactory inspections within 120 days of the date of issuance of the Conditional License

Section 6 - Licensee's duty to update

It shall be the responsibility of every Licensee who intends to increase the number of rooms rented to the public during the term of an unexpired License to file an application for said increase with the Licensing Board no later than 30 days prior to offering the additional room(s) for rent. If the increase in rooms to be offered for rent results in an increase in fee categories outlined in Section 7.0 of this Ordinance, then the Licensee shall also submit a pro rata share of the additional fees required under that Section. No reimbursement shall be provided when the number of rooms available for rent is reduced during the term of any unexpired License. It shall be the responsibility of every Licensee to continue to conform to the approval criteria set forth in Section 5.4 during the term of the License and the Licensee shall report any change of circumstances pertinent to the approval criteria during the term of the License within ten (10) days of any such change of circumstances.

Section 7 - Fees

The applicant shall pay at the time of filing an application for a License a fee according to the following schedule:

<u>Number of Bedrooms</u>	<u>Fee</u>
1	\$10.00
2 or more	\$10.00 + 1.00 for each bedroom in excess on one bedroom

Section 8.0- Posting of License

Any License issued hereunder shall be posted in the lobby area of the Lodging Establishment.

Section 9.0- License expiration

All licenses issued under this Ordinance shall expire one year after the date of issuance unless revoked or suspended prior to expiration in accordance with the provisions of Section 12.0 of this Ordinance.

Section 10.0- Inspection

10.1 Right of access. The Code Enforcement Officer shall be granted access to any Lodging Establishment, upon twenty-four (24) hours prior written notice delivered to the Operator or Licensee of said establishment, for purposes of inspecting the premises to ensure compliance with this Ordinance.

10.2 Guest registration records. The Code Enforcement Officer shall be provided access to guest registration records maintained by the Operator or Licensee for the purpose of determining the number of rooms being rented to the public as required by Title 30-A, Section 3821, M.R.S.A.

Section 11.0- Transferability

Any License issued hereunder shall be transferable upon submission of written certifications by the Code Enforcement Officer and the Fire Chief as required by Section 5.4 of the Ordinance and so long as the subsequent operator meets the other criteria set forth in Section 5.4 of the Ordinance. Written notice of transfer demonstrating compliance with those requirements shall be submitted to the Licensing Board.

Section 12.0- Revocation or Suspension of License, Hearing

12.1 Applicability. This section applies to all Licenses issued pursuant to this Ordinance.

12.2 Revocation or suspension of License. The Licensing Board shall enforce this Ordinance and shall prosecute all offenders.

The Licensing Board may revoke or suspend a License for any period of time that it considers proper and for any cause it considers proper and for any cause it considers satisfactory including, but not limited to:

- (a) violation of this Ordinance, or non-compliance with the requirements of Section 5.4; or
- (b) violation of any License conditions; or
- (c) violation of the Zoning Ordinance of the Town of Camden; or

(d) falsehoods, misrepresentations or omissions in the License application; or

(e) violation of the Fire Code or violation of the safety regulations established by the Fire Chief.

12.3 Hearing. A License may not be revoked or suspended under this Ordinance until after an investigation and hearing have been conducted. The Licensing Board shall serve notice of the hearing on the Licensee personally or by certified mail at least three (3) days before the time set for hearing, and shall conduct the hearing. At any hearing held pursuant to this Section, the Licensee must be given an opportunity to:

(a) hear the evidence in support of the charge against the Licensee and to cross-examine alone or through counsel, the witnesses; and

(b) be heard in the Licensee's own defense.

Section 13 - Appeal

An aggrieved party may appeal any decision of the Licensing Board to issue a License, deny a License, or revoke a License or suspend a License to the Superior Court within 30 days of the date of the written decision. In all instances, the Licensing Board shall issue a written decision and such decision shall be sent to the applicant or the Licensee.

Section 14 - License Conditions; Scope of License

The Licensing Board shall have the authority to issue a License subject to reasonable conditions. Any License issued by the Licensing Board must specify the building or buildings in which the business of the Lodging Establishment will be conducted.

Section 15 - License Applications, renewal licenses, and meetings of the Licensing Board

Except for operators of existing Lodging Establishments within the meaning of Section 5.5, every operator of a Lodging Establishment shall apply annually prior to April 15, for a License or a License renewal from the municipal officers as the Licensing Board. The Licensing Board shall meet annually during the month of May on a date, time and place as determined by the Licensing Board. At least seven days before the meeting, the Licensing Board must post notices of the meeting stating the purpose of the meeting in at least two places in the Town of Camden. For applications for new Licenses or renewals submitted more than thirty (30) days before or thirty (30) days after April 15 of each year, the Licensing Board may consider those Licenses at a time different than the annual meeting of the Licensing Board during the month of May. The Licensing Board may meet at any other time at a meeting specially called and with public notice as provided above.

Section 16 - Penalties

Any person who violates the provisions of this Ordinance or fails to seek a License renewal which is required by this Ordinance shall commit a civil violation from which a penalty of \$50.00 may be adjudged, upon a complaint by the municipality to the District Court or the Superior Court. Each day of continued violation shall constitute a separate offense which subjects the violator to a penalty of \$50.00 for each day of violation.

Section 17 - Severability

The provisions of this Ordinance shall be severable. If any portion of this Ordinance is held to be invalid, the remainder of this Ordinance and its application thereof shall not be affected.

Section 18 - Other Laws and Ordinances

In addition to compliance with this Ordinance, the operator or any person subject to this Ordinance, must also comply with all other federal, state and local laws and ordinances concerning the Lodging Establishment, specifically including the Zoning Ordinance of the Town of Camden. The issuance of a License pursuant to this Ordinance does not constitute any approval within the meaning of the Zoning Ordinance of the Town of Camden. In addition to penalties set forth in Section 16.0, a person who violates this Ordinance shall be subject to the remedies set forth in Title 30-A M.R.S.A., Section 4452 (c), (c-1) and (D).

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TOWN OF CAMDEN
CHAPTER VI-1
Cable Television Enabling Ordinance

Pursuant to the authority granted to the Municipal Officers of the Town of Camden under Title 30, Section 2141 (2) (H) of the Maine Revised Statutes Annotated 1964, as amended, the Municipal Officers of the Town of Camden are hereby authorized to contract on such terms and conditions and impose such fees, as are in the best interests of the municipality, including the grant of an exclusive franchise for a period not to exceed 10 years, for the placing and maintenance of community antennae television systems and appurtenances of parts thereof, along public ways and including contracts with operators of such systems which receive the services of television signal transmission offered by any public utilities using public ways for such transmission. Systems located in accordance with such contracts and ordinances now existing or as hereafter passed are not defects in public ways.

The Municipal Officers may establish such charges as are necessary to defray the costs of public notice, advertising, and the expenses of hearings related to applications for a contract, but in no case to exceed \$25 per applicant.

Historical Note: Adopted February 25, 1974
State Law Reference: 30 MRSA, Sec. 2151 (2) (H)

CHAPTER VI-1A

Cable Television Rate Regulation Ordinance

ARTICLE 1: GENERAL

1.1 Short Title

This Ordinance shall be known as the "Camden Cable Television Rate Regulation Ordinance" and will be referred to herein as "this Ordinance."

1.2 Purpose

The purpose of this Ordinance is to implement the authority conferred on cable television franchising authorities to regulate Basic Service Rates and Charges.

1.3 Authority

This Ordinance is enacted pursuant to the Cable Television and Consumer Protection and Competition Act of 1992, as amended; pursuant to regulations adopted by the Federal Communications Commission ("FCC"), including but not limited to the "FCC Rate Regulations" as defined herein; and pursuant to 30-A M.R.S.A. Section 3001, as amended.

1.4 Validity and Severability

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

1.5 Effective Date

This Ordinance shall become effective immediately upon its approval by the municipal officers.

ARTICLE 2: DEFINITIONS

2.1 Basic Service Rates and Charges

Basic Service Tier rates and the charges for related equipment, installation and services which, pursuant to federal laws and regulations, may be regulated by franchising authorities.

2.2 Basic Service Tier

That tier of cable television service which contains, at a minimum, all local broadcast signals and the public, educational and governmental channels required by the franchise agreement. Provided that the contents of this tier meet this definition, the Cable Operator

may, in its sole discretion, determine what (if any) additional service will be provided as part of this tier.

2.3 Benchmark Approach

That theory of rate regulation which sets rates based upon "benchmarks" established by the FCC.

2.4 Cable Operator

Any cable television system operating with the Town of Camden.

2.5 Cost-of-Service Approach

That theory of rate regulation, to be initiated only by the Cable Operator, which allows the Cable Operator to charge rates in excess of the FCC benchmark rates upon a showing that the cost of providing cable service exceeds the benchmark rate.

2.6 FCC

The Federal Communications Commission

2.7 FCC Rate Regulations

Report and Order, In the Matter of Implemtation of Sections of Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation, MM Docket 92-266, FCC 93-177 (released May 3, 1993), as amended.

2.8 Franchising Authority

The Town of Camden, acting pursuant to its authority under federal, state and local laws and regulations to authorize and oversee the provision of cable television service in Camden.

ARTICLE 3: RATE SETTING PROCEDURES

3.1 Cable Operator Submission

Within thirty (30) days of the date of the notice from the Franchising Authority to the Cable Operator, the Cable Operator shall file its rate justification with the Franchising Authority.

3.2 Franchising Authority Response

The Franchising Authority shall make a decision on the rate request within thirty (30) days after the Cable Operator submits its rate justification. The rates proposed by the Cable Operator shall automatically take effect after that 30-day period unless the Franchising Authority issues a statement that it needs additional time to make its decision.

If the Franchising Authority decides that it needs longer than the initial 30-day period to consider the rate request, it may issue a statement to that effect. Such a statement may provide for up to ninety (90) additional days to review a rate based upon a benchmark approach and up to one hundred fifty (150) additional days to review a rate request based upon a cost of service approach.

If the Franchising Authority cannot reach a decision by the end of the extended period set forth in the preceding paragraph, the rates proposed by the Cable Operator shall go into effect, subject to refund. If the Franchising Authority intends to seek refunds, it shall issue an Order to the Cable Operator prior to expiration of the time period for response, notifying the Cable Operator to keep accurate records with respect to rates.

3.3 Public Hearing Required

A public hearing shall be held in connection with every rate setting proceeding. At least ten (10) days prior to the hearing date, the Town Clerk shall publish a notice of hearing in a newspaper of general circulation in the Town of Camden. The notice shall identify the name of the Cable Operator, indicate that a rate change has been requested, and identify the time and place of the public hearing.

3.4 Proprietary Information

The Franchising Authority may require the Cable Operator to furnish proprietary information in connection with any rate setting proceeding.

3.5 Calculation of Rates and Refunds

In setting Basic Tier Rates and Changes, and in setting any refunds, the Franchising Authority shall be governed by the FCC Rate Regulations as amended. The FCC Rate Regulations shall govern notwithstanding any different or inconsistent provisions in the Franchising Agreement.

3.6 Decision of Franchising Authority

The Franchising Authority shall issue a written rate decision with appropriate findings and conclusions if the Franchising Authority:

- a. disapproves, in whole or in part, the initial rate schedule or a proposed rate increase; or
- b. approves the initial rate or proposed rate increase over the objection of an interested party. Public notice must be given of any such written decision, which shall include release of the text of the written decision to the public. No written decision shall be required to approve an unopposed existing or proposed rate.

3.7 Appeals

The FCC shall have exclusive jurisdiction to hear appeals challenging whether the Franchising Authority's decision is consistent with the 1992 Cable Act or any applicable FCC rules. Any Participant in a Franchising Authority's rate regulation proceeding may appeal the Franchising Authority's decision on such grounds to the FCC within thirty (30) days of release of the public notice required under Article 3.3 of this Ordinance.

Appeals on grounds other than those stated in the preceding paragraph shall be made to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

ARTICLE 4: EXECUTION OF DOCUMENTS

4.1 Authority Conferred

The Chairman of the Board of Selectmen, or his or her designee, is authorized to execute on behalf of the Town and file with the FCC such certifications, forms or other instruments as are now or may hereafter be required by the FCC Rate Regulations in order to enable the Town to regulate Basic Service Rates and Charges.

ARTICLE 5: AMENDMENT

This Ordinance may be amended by the Municipal Officers following public hearing.

ARTICLE 6: FEDERAL LAW PREEMPTION

To the extent that any provision of this Ordinance is inconsistent with federal law or regulations now in effect or which may be later adopted, federal law shall govern.

CHAPTER VI-2

Ordinance Concerning Restraint of Dogs in Public Places (Except for Seeing Eye Dogs)

Section 1

Pursuant to Title 30-A, Maine Revised Statutes, Section 3001 an ordinance for restraint of dogs in public Places is enacted.

Section 2

It shall be unlawful for any person to permit or cause a dog to be present on any public way or public place unless that dog is under restraint and under control of that person within the meaning of this Ordinance. For the purposes of this Ordinance, a dog shall be considered under restraint and under control of a person if that dog is attached to a leash that is held by a person or if a dog is at "heel" beside a person, and obedient to that person's commands, or if a dog is located on or within a vehicle being driven or parked on streets or public ways, or if a dog is located within the property limits of the owner or keeper of that dog.

Nothing contained in this Ordinance shall be held to require the leashing or restraint of any dog while that dog is located on the property of its owner or keeper.

It shall also be unlawful for any dog to be located or present on property owned by a person other than the owner or keeper of that dog unless that dog is present on that property with the permission of the owner of that property.

For purposes of this Ordinance, a dog shall be deemed controlled by a leash so that the dog is under restraint within the meaning of this Ordinance only if the leash attached to that dog is not more than eight feet long.

Notwithstanding the provisions of this Ordinance, it shall be unlawful for any person to cause or permit a dog to be present or located on any public beach within the Town of Camden. :

Barrett Cove
Laite Beach
Shirttail Point

This Ordinance prohibits any person from causing or permitting a dog to be located on a public beach even if that dog is under restraint by leash or otherwise within the meaning of the Ordinance.

Section 3 Restrictions

Dogs are not allowed in cemeteries in Camden.

Section 4 Dog Owner's Responsibility

It shall be deemed the responsibility of the dog's owner or keeper to pick up their dog waste whenever they are walking on sidewalks, streets, public property and on any property other than the owner's/keeper's property, whether it is public or private property.

Section 5 Penalties

Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction therefore shall be fined not less than \$ \$25 nor more than \$250; and a separate offense shall be deemed committed on each day on which the violation occurs or continues. All fines and penalties shall be recovered on complaint by the Town before a court of competent jurisdiction to the use of the municipality.

Section 6 Dog License

All dogs residing in the Town of Camden are required to be licensed through the Camden Town Office by December 31st of each year. Included with the dog license will be a copy of this Town of Camden Dog Ordinance and a Town Map depicting dog friendly areas of Camden, with locations of the waste bag dispensers for public use.

Section 7

Notwithstanding any other provision herein, dogs shall be allowed at all times on Town-owned beaches; except that, for the annual period commencing May 1 and running through September 30, dogs may only be allowed on Town-owned beach during the hours from 6:00 pm through 8:00 am, and therefore shall be prohibited during the hours from 8:00 am through 6:00 pm.

(This Section 7 was approved by voter referendum on June 13, 2007)

Historical Note: Amended June 12, 2007

Historical Note: Adopted March 12, 1984

State Law Reference: 30 MRSA, Sec. 1917, Sec. 2151; 7 MRSA, Sec. 3458

CHAPTER VI-2

Ordinance Concerning Restraint of Dogs in Public Places (Except for Seeing Eye Dogs)

Section 1

Pursuant to Title 30-A, Maine Revised Statutes, Section 3001 an ordinance for restraint of dogs in public Places is enacted.

Section 2

It shall be unlawful for any person to permit or cause a dog to be present on any public way or public place unless that dog is under restraint and under control of that person within the meaning of this Ordinance. For the purposes of this Ordinance, a dog shall be considered under restraint and under control of a person if that dog is attached to a leash that is held by a person or if a dog is at "heel" beside a person, and obedient to that person's commands or if a dog is located on or within a vehicle being driven or parked on streets or public ways or if a dog is located within the property limits of the owner or keeper of that dog.

Nothing contained in this Ordinance shall be held to require the leashing or restraint of any dog while that dog is located on the property of its owner or keeper.

It shall also be unlawful for any dog to be located or present on property owned by a person other than the owner or keeper of that dog unless that dog is present on that property with the permission of the owner of that property.

For purposes of this Ordinance, a dog shall be deemed controlled by a leash so that the dog is under restraint within the meaning of this Ordinance only if the leash attached to that dog is not more than eight feet long.

Notwithstanding the provisions of this Ordinance, it shall be unlawful for any person to cause or permit a dog to be present or located on any public beach within the Town of Camden:

Barrett Cove
Laite Beach
Shirttail Point

This Ordinance prohibits any person from causing or permitting a dog to be located on a public beach even if that dog is under restraint by leash or other wise within the meaning of the ordinance.

Section 3 Restrictions

Dogs are not allowed in cemeteries in Camden.

Section 4 Dog Owner's Responsibility

It shall be deemed the responsibility of the dog's owner or keeper to pick up their dog waste whenever they are walking on sidewalks, streets, public property and on any property other than the owner's/keeper's property, whether it is public or private property.

Dog owners and keepers are responsible for all actions of their dogs, keeping in mind the safety of the general public and the protection of public and private property.

Section 5 Penalties

Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction therefore shall be fined not less than \$25 nor more than \$250; and a separate offense shall be deemed committed on each day on which the violations occurs or continues. All fines and penalties shall be recovered on complaint by the Town before a court of competent jurisdiction to the use of the municipality.

Section 6 Dog License

All dogs residing in the Town of Camden are required to be licensed through the Camden Town Office by December 31st of each year. Included with the dog license will be a copy of this Town of Camden Dog Ordinance and a Town Map depicting dog friendly areas of Camden, with locations of the waste bag dispensers for public use.

Historical Note: Adopted March 12, 1984

State Law Reference: 30 MRSA, Sec. 1917, Sec. 2151; 7 MRSA, Sec. 3458

CHAPTER VI-3
Fishing Ordinance
(Now superseded by state statute)

Section 1

Making it lawful to fish for, take and have in possession white perch of the present and lawful size and number, in the waters of Megunticook or Canaan Lake and its tributaries, in the Town of Camden, from the time the ice leaves these waters, until the close of the lawful fishing season now in force.

Section 2

Making it lawful to fish for, take and have in possession white perch of the present and legal size and number in Fish Pond, Hobbs Pond, and that part of Megunticook, or Canaan Lake, and their tributary waters, in the Town of Hope, from the time the ice leaves these waters, until the close of the lawful fishing season now in force.

Historical Note: Adopted November 24, 1936

State Law Reference: 12 MRSA, Sec. 7035

CHAPTER VI-4 Flea Markets Ordinance

Section 1

Pursuant to Title 30, Maine Revised Statutes, Section 2151 (5)(a), an ordinance for the regulation of the business of flea markets and other similar activities is hereby enacted.

Section 2 License Required

It shall be unlawful for any persons, firm, or corporation to engage in the business of a flea market or the purchase and sale of articles by second-hand dealers in the Town of Camden, without having first secured a license therefor from the Board of Selectmen of the Town of Camden.

This Ordinance and the licensing requirement contained herein shall pertain to any business activity commonly known as a flea market and any other related activity which involves the purchase and sale of articles by second-hand dealers. For purposes of this Ordinance, the term "flea market" shall mean a business in which articles of merchandise are sold from stalls or booths or otherwise at a temporary location. For purposes of this article, a temporary location shall mean a location for that business at which the business is operated for a period of less than six months in a period of one year.

Section 3 Applications

Applications for such licenses shall be made to the Board of Selectmen by delivery of such application to the Town Clerk; and such application shall be on a form prescribed by the Board of Selectmen, and shall state thereon the kind of merchandise to be offered for sale or purchases; and the permanent address of the person, firm or corporation engaging in the business of a flea market or other similar business activity.

Section 4 Fee

The fee for such a license shall be \$100.00 for an annual license and shall be payable with the submission for the license. The duration of a license shall be one year from the date of issuance.

Section 5

No person, firm or corporation shall organize, permit or cause the operation of a flea market or other similar business activity on any street, sidewalk, park, parkway or in any other public place except with the written permission of the Board of Selectmen of the Town of Camden.

Section 6

Any applicant for a license shall specify adequate parking arrangements with regard to the location of the business activity under the license and those parking arrangements shall not impair safety of traffic on public ways and shall not cause unreasonable congestion on public ways.

Any licensee under the license granted hereunder shall take reasonable steps to assure that the business activity licensed hereunder shall not unreasonably impair safety or unreasonably cause traffic congestion on public ways.

Any licensee hereunder shall not cause or permit signs advertising the licensed activity on any public way or public place except with the express permission of the Board of Selectmen which said permission shall be specifically requested by the applicant and, if granted by the Board of Selectmen, shall be endorsed on the license.

Section 7 Penalty

Any person, firm or corporation violating any provision of this Ordinance shall be fined not less than \$250.00 nor more than \$500.00 for each offense; and a separate offense shall be deemed committed on each date during or on which the violation occurs or continues. All fines and penalties shall be recovered on complaint by the Town before a court of competent jurisdiction to the use of the municipality.

Historical Note: Adopted March 12, 1984

State Law Reference: 30 MRSA, Sec. 1917, Sec. 2151

CHAPTER VI-5

Hawking and Peddling Ordinance

Section 1

Pursuant to Title 30, Maine Revised Statutes, Section 2151(5) (c) and (f) an ordinance for the regulation of the business of hawking and peddling of Merchandise at retail and regulating the business of itinerant vending of merchandise at retail is enacted.

Section 2 License Required

It shall be unlawful for any person, firm, or corporation to engage in the business of hawking or peddling of any merchandise, article or thing without having first secured a license therefor from the Board of Selectmen of the Town of Camden, except for any such person, firm or corporation listed in the following paragraph who is not involved in the business of itinerant vending of merchandise at retail.

This ordinance and the licensing requirement contained herein does not apply to persons selling merchandise by sample, list or catalogue for future deliveries; farm, dairy, orchard, fish, and forest products of their own production; newspapers and religious literature; unless such person, firm or corporation is engaged in the business of itinerant vending of merchandise at retail.

Section 3 Applications

Applications for such licenses shall be made to the Board of Selectmen by delivery of such application to the Town Clerk; and such applications shall be on a form prescribed by the Board of Selectmen, and shall state thereon the description and number of vehicles, if any, intended to be operated in connection with the business for which a license is required, the kind of merchandise to be hawked or peddled; and the permanent address of the hawker or peddler.

Section 4 Fee

The fee for such a license shall be \$50.00 for an annual license and shall be payable with the submission for the license. The duration of a license shall be one (1) year from the date of issuance.

Section 5 Peddlers and Hawkers

No peddler or hawker shall ply his trade on any street, sidewalk, park, parkway or any other public place unless the license hereunder specifies that peddling and hawking in such places is permitted thereunder.

Section 6 Fraud

Any licensed peddler or hawker who shall be guilty of any fraud, cheating or misrepresentation, and convicted therefor by a court of competent jurisdiction, while acting as a peddler in the Town or who shall barter, sell or peddle any goods or merchandise or wares other than those specified in his application for a license shall be deemed guilty of a violation of this ordinance.

Section 7 Penalty

Any person, firm, or corporation violating any provision of this ordinance shall be fined not less than \$100.00 nor more than \$250.00 for each offense; and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues. All fines and penalties shall be recovered on complaint by the Town before a court of competent jurisdiction to the use of the municipality.

Historical Note: Adopted March 12, 1984

State Law Reference: 30 MRSA, Sec. 1917, Sec. 2151; 32 MRSA, Sec. 4681 et seq.; 9 MRSA, Sec. 5001 et seq.; 9-A, Sec. 3-501 et seq.

CHAPTER VI-6

House Trailer Ordinance

No house trailer, as defined in Title 36, Section 1481, shall be moved over the highways of this State through use of dealer plates or transporter plates unless the operator of the vehicle hauling such trailer has in his possession a written certificate from the tax collector of the municipality from which the trailer is being moved, identifying the trailer and stating that all property taxes applicable to the trailer, including the current tax year, have been paid, or that the trailer is exempt from such taxes. The tax year shall be the period from April 1 through March 31.

Section 1481 of Title 36 defines a "house trailer" (not including a camp trailer) as

"A trailer or semi-trailer which is designed, constructed and equipped as a permanent or temporary dwelling place, living abode or sleeping place and is equipped for use as a conveyance on highways, or

"A trailer or semi-trailer whose chassis and exterior shell is designed and constructed for use as a house trailer . . . but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier."

Also, no house trailer shall be moved into or from the Town of Camden without a permit from the Code Enforcement Officer.

Historical Note: State statute effective October 1, 1969

State Law Reference: 29 MRSA, Sec. 354(5) (formerly 29 MRSA, Sec. 336(4))

CHAPTER VI – 7

An Ordinance to Establish a Parking Trust Fund – 1999

Preamble. Article X, Part II, Section 4(2)(c)(5)(ii) of the Zoning Ordinance of the Town of Camden, Maine states that the off-street parking requirements of Article X, Section 4 of the Zoning Ordinance shall be waived upon application to the Zoning Board of Appeals, in the event that a Parking Trust Fund has been established by the Town of Camden for the Downtown Business (B-1) District, the Transitional River Business District (B-TR), and the Harbor Business (B-H) District and in the further event that the applicant demonstrates that the applicant is a participant in that Trust Fund, hereinafter referred to as the “Fund”, financed through a fee mechanism which, once established, shall constitute a method by which property owners in the B-1, B-TR and B-H Districts of the Town of Camden can qualify for a waiver of the off-street parking requirements.

In the Town of Camden, the pressure of development combined with the ongoing growth in tourism has caused a significant and annually-increasing problem with parking in the Downtown and Harbor areas. That parking problem has resulted in a number of adverse effects for the Town of Camden including , without limitation, significant traffic problems and an inability of residents and non-residents to find parking in the Downtown and Harbor areas of the Town within a reasonable period of time, with a consequent loss of business for the Town and significant inconvenience for its residents.

The purpose of a Parking Trust Fund Ordinance is to establish a fund for the construction or expansion of municipal off-street parking facilities, and to provide a means to reduce the parking problem. By contribution to this fund, property owners in the B-1 , the B-TR, and the B-H Districts, in which the parking problem is particularly acute, will advance a solution to the parking problem which will benefit those individuals and businesses contributing to the Fund, and also be of wider benefit to the entire community.

Accordingly, the Parking Trust Fund Ordinance is enacted pursuant to the Home Rule powers of the municipality (Title 30-A M.R.S.A. §3001), in order to provide a mechanism which will allow participants in the Fund to meet the off-street parking requirements by a waiver of those requirements, without sacrificing the purposes of the off-street parking requirements.

The actual cost of construction is estimated to be \$6,000.00 to \$10,000.00 per space for ground-floor parking spaces and \$10,000.00 to \$17,000.00 per space for decked parking spaces. In order to encourage the use of the Fund mechanism, it is deemed beneficial to establish a Fund fee which is less than the anticipated actual cost of construction on the basis of the estimated cost of each parking space.

Section 1: Parking Trust Fund.

A Parking Trust Fund is hereby established by the Town of Camden. The Trustee of the Parking Trust Fund shall be the Town Manager of the Town of Camden. The

appointment of the Town Manager as the Trustee shall be made by the Board of Selectmen as an annual appointment, no later than August 1 of each year.

Section 2: Powers and Duties of the Trustee.

The powers and duties of the Trustee of the Fund shall be as set forth in the Parking Trust Fund Agreement, hereinafter referred to as the "Trust", a copy of which is attached to this ordinance and incorporated by reference herein.

Section 3: Purpose of the Parking Trust Fund.

All fees contributed to the Fund shall be dedicated to the construction of municipal off-street parking facilities in accordance with plans for such construction approved by the Board of Selectmen, or for other purposes which enhance solutions to the parking problem in the Town of Camden, including, without limitation, the following purposes:

- (1) Expansion of an existing municipal parking facility;
- (2) Land acquisition costs for an existing municipal parking facility or for a proposed parking facility; and
- (3) Research and implementation of other solutions to the parking problem.

Section 4: Parking Trust Fund Fee.

In the B-1, the B-TR, and B-H Districts of the Zoning Ordinance of the Town of Camden, any applicant for a building permit, or other persons subject to the requirements of Article X, Section 4(2)(C) of the Zoning Ordinance, may apply to the Board of Appeals for a waiver of those off-street parking requirements by submitting an application to the Board of Appeals, together with such information as may reasonably be required by the Board of Appeals. The application shall specifically state the number of parking spaces which would be required of the applicant in order to meet the off-street parking requirements of the Zoning Ordinance for the proposed use, the specific number of parking spaces for which the applicant seeks a waiver, and a statement of the Parking Trust Fund fee (hereinafter referred to as the "Fee") which must be paid by the applicant in order to qualify for the waiver.

The Fee shall be calculated by multiplying the number of parking spaces for which the applicant seeks a waiver by the sum of Four Thousand Five Hundred Dollars (\$4,500.00).

Section 5: Board of Appeals Action on Application for Waiver.

Upon receipt of an application for a waiver of the off-street parking requirements, the Board of Appeals shall act upon that application within thirty (30) days of the date of receipt of that application.

Failure of the Board of Appeals to act upon such an application within thirty (30) days of the date of receipt of that application shall constitute a denial of that application.

Upon receipt of a proper application, containing all of the information reasonably required by the Board of Appeals, the Board of Appeals shall approve that application for a waiver, so long as the applicant meets the following standards:

- (1) The applicant has standing to make the application.
- (2) The applicant has not established any other uses on the land which is subject to the application, or on any other land located in the Town of Camden, which illegally violates the off-street parking requirements of the Zoning Ordinance of the Town of Camden.
- (3) The use of the land for which the applicant requests a waiver is a legal and permissible use in the zoning district in which the applicant's property is located, and any special exceptions necessary to make that use legal, or any variances which must be granted by the Board of Appeals in connection with that use, or any other approval by the Board of Appeals that is necessary in connection with that proposed use, have been approved by the Board of Appeals prior to action on the application for a waiver of the off-street parking requirements.
- (4) In the event that the waiver is requested for fewer than the required number of off-street parking spaces, then the applicant's proposed use, with the waiver, will thereafter comply with the off-street parking requirements.

Section 6: Issuance of Waiver by the Board of Appeals.

Any waiver of the off-street parking requirements by the Board of Appeals, as set forth in Section 5 of this Ordinance, shall be subject to the condition that the waiver shall be effective only in the event that the entire amount of the Fee is paid to the Parking Trust prior to the expiration of a period of sixty (60) days from the date of approval. In the event that the applicant fails or omits to pay the Fee to the Trustee of the Fund within that sixty-day period, then the approval of the waiver shall become null and void and, in addition, the applicant shall not be permitted to make another application to the Board of Appeals for a waiver for a period of one year from the date of the initial approval. The payment of the Fee shall be made to the Code Enforcement Officer, who shall promptly deliver the Fee to the Trustee. The Code Enforcement Officer shall certify the date of payment, in writing, to the Board of Appeals.

Section 7: Segregation of Parking Trust Fund Fees.

All of the Fees contributed to the Trustee of the Fund shall be segregated from the municipality's general revenues. The Fees shall be expended solely for the purpose of construction or expansion of municipal off-street parking facilities by the Town of Camden, or for such other uses which assist the Town in solving the parking problem in the Town by

providing additional parking for the general public in the vicinity of the B-1, the B-TR, and the B-H Districts.

Section 8: Schedule for Construction of a Parking Facility.

Within two (2) years of the date of enactment of this Ordinance, the Board of Selectmen shall establish a specific schedule for the construction of a municipal off-street parking facility utilizing, in part, the Fund. In the event that construction of the municipal off-street parking facility does not commence prior to November 7, 2004, then the Fund shall refund, to each person, who contributed the Fee to the Parking Trust Fund as set forth in Section 6 above, any unexpended portion of the Parking Trust Fund Fee as of such date (November 7, 2004) in the proportion which that person's contribution to the Trust Fund bears to the total contributions made to that Fund as of that date, unless the deadline is extended by the Board of Selectmen. In the event that construction of the municipal off street parking facility has not commenced as of November 7, 2004, then the Board of Selectmen may, by a vote of that Board, extend the deadline for commencement of construction for a period of time not to exceed five (5) years, and any refund shall be calculated and payable after the date as extended.

Accrued interest on the Fund, after deduction of expenses of administration of the Trust, shall thereafter be delivered by the Trustee to the Town to be held in a segregated account dedicated to parking activities, such as studies of parking solutions.

Any person who received a waiver from the off-street parking requirement in accordance with the "Ordinance to Establish a Parking Trust Fund" enacted on November 7, 1989, shall not receive a refund as set forth in Section 8 of this Ordinance. Any such person making a contribution to the Parking Trust Fund prior to the date of enactment of this Ordinance shall remain subject to the provisions of Section 8 of "An Ordinance to Establish a Parking Trust Fund" which was enacted on November 7, 1989 and any refund of the Fee paid to the Parking Trust Fund for such person shall be determined in accordance with Section 8 of that prior Ordinance.

Section 9: Denial of Waiver.

In the event that the application for a waiver of the off-street parking requirements is denied, then the applicant's proposed use must comply with the off-street parking requirements of Article X, Part II, Section 4(2)(c) of the Zoning Ordinance of the Town of Camden. Such denial shall be in writing and shall contain sufficient findings of fact to inform the applicant of the reasons for denial.

Section 10: Periodic Review.

The Board of Selectmen shall review, at intervals of five (5) years from the date of enactment of this Ordinance, the operations of the Fund. At the election of the Board of Selectmen, the Fund may be audited periodically by an accountant.

As part of the periodic review of the Fund, the Selectmen shall determine the extent to which the initial Fee in the amount of Four Thousand Five Hundred Dollars (\$4,500.00) per parking space is appropriate. Upon a determination by the Board of Selectmen that such Fee is inappropriate, based upon actual construction costs, then the Board of Selectmen may cause an increase or decrease in the Fee for any person making an application for a waiver after the date of any determination by the Board of Selectmen that such Fee is inappropriate.

As of the date of enactment of this Ordinance, and for all prior years in which contributions were made into the Parking Trust Fund in accordance with the Ordinance for such a Parking Trust Fund adopted on November 7, 1989, the Parking Trust Fund Fee in the amount of Four Thousand Five Hundred Dollars (\$4,500.00) per parking space shall be deemed reasonable and that Fee shall not be considered excessive for any such prior year.

Section 11: Appeal to Superior Court (80-B).

Any denial or adverse decision may be appealed by an aggrieved party with standing to the Superior Court, by filing a complaint for review of governmental action in accordance with Rule 80-B of the *Maine Rules of Civil Procedure* within thirty (30) days of the date of the decision of the Board of Appeals.

Section 12: Waiver – Succeeding Businesses.

In the event that the Board of Appeals permits a waiver of the off-street parking requirements in conformity with Section 6 of this Ordinance, then any such waiver shall apply to any succeeding business resulting from a sale or conveyance of the business of the applicant for a waiver, so long as the succeeding business is in the same category of use, for purposes of determining the parking requirements, as the business for which the waiver was originally granted.

Section 13: Contributions to Parking Trust Fund Prior to Date of Enactment.

Any contribution to the Parking Trust Fund which occurs prior to the date of enactment of this Ordinance shall be held by the Trustee in accordance with the provisions of this Ordinance, except as otherwise expressly stated in this Ordinance.

CAMDEN CONSERVATION COMMISSION ORDINANCE

Section 1 Commission established.

A conservation commission is hereby established pursuant to Title 30-A, Sections 3261-3263, M.R.S.A. to consist of seven (7) members appointed by the Board of Selectmen, all of whom shall be residents of the Town. The terms of office shall be three (3) years except that initial appointments after the date of adoption of this Ordinance shall be such that the terms of no more than three (3) members shall expire in any single year. For that purpose, the Board of Selectmen shall initially appoint three members for terms of one year, two members for terms of two years, and two members for terms of three years, such that the terms of one-third of the members shall expire each year.

Section 2 Purpose.

The purpose of the conservation commission shall be to serve as a research, advisory and advocacy group on environmental and conservation issues relating to the Town.

Section 3 Qualifications.

All members of the commission shall be selected upon the basis of their knowledge of or interest in conservation, environmental science or related fields.

Section 4 Powers and duties.

The commission:

- (a) Shall keep records of its meetings and activities and make an annual report to the Town;
- (b) Shall conduct research in conjunction with the planning board into local land areas;
- (c) Shall seek to coordinate the activities of conservation bodies organized for similar purposes;
- (d) May keep an index of all open areas within the Town, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas. The commission may recommend to the Board of Selectmen or to any board of the Town or to any body politic or public agency of the state a program for the better protection, development or use of such open areas, which may include the acquisition of conservation easements;

- (e) May advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it considers necessary, if municipal appropriations provide financial resources to do so;
- (f) Shall undertake any other conservation or environmental activity referred to it by the Board of Selectmen.
- (g) May recommend to the Selectmen the acceptance of gifts in the municipality's name for any of the Commission's purposes.
- (h) Shall carry out the guidelines in the Camden Community Forest Management Plan approved by the Board of Selectmen.

Section 5 Officers, meetings and records.

- (a) The members shall annually elect from their membership a chairperson, a vice-chairperson and a secretary.
- (b) All meetings of the Conservation Commission shall be open to the public, and notice, if required by law, should be provided to the public about such meetings.
- (c) Minutes shall be kept of all meetings.

Section 6 Limits of authority.

Nothing contained within this section shall supersede the provisions of the Town Charter, the Code Book of the Town of Camden. No powers and duties which may be exercised by conservation commissions under state statute which are not explicitly provided in this article may be exercised by the commission created herein.

Adopted by the voters of the Town of Camden on June 8, 1999.

CHAPTER VI - 13

Tour Bus Ordinance

Pursuant to Title 30 of the Maine Revised Statutes, Sec 2151-A and Sec. 2152-C (2) (A), and under the Home Rule Authority of the Town of Camden, the Municipal Officers hereby enact an Ordinance governing the loading and unloading of tour buses and the parking of tour buses.

The purpose of this Ordinance shall be to relieve traffic and parking congestion and encourage safety in the loading and unloading of tour buses in the Town of Camden.

Section 1 Loading and Unloading

Tour buses loading and unloading passengers in the Town of Camden shall cause such passengers to be loaded and unloaded only in areas designated for that purpose in the Town of Camden. Areas for that purpose designated by the Town of Camden shall be properly marked and signed.

Section 2 Downtown Parking

Tour buses shall only park for durations no longer than 15 minutes for loading and unloading in designated parking areas. The Town shall designate and properly sign certain locations within downtown Camden for purposes of such parking.

Section 3 Definition of Tour Bus

For purposes of this Ordinance, tour buses shall mean all buses which transport tourists or other visitors to the Town of Camden for stays of a duration less than one (1) week, except Greyhound buses using the Town of Camden as an intermediate stop on a regular route.

Section 4 Penalty

Any person, firm or corporation violating any provision of this Ordinance shall be fined Two Hundred Dollars (\$200) for each offense; and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues. All fines and penalties shall be recovered on complaint by the Town before a Court of competent jurisdiction to the use of the municipality.

Any violation of this Ordinance shall be considered a traffic infraction.

Any person, firm or corporation charged with violation of this Ordinance may waive all court action by payment of the fine within ten (10) days after notice to such violator of the violation.

Historical Note: Adopted June 13, 1988; amended June 6, 1994 Selectmen's Minutes.

CHAPTER VI - 15 Public Library Ordinance

Preamble:

The purpose of this ordinance is the modification and clarification of prior Town votes in 1896 and 1926 concerning the Camden Public Library in order to reflect contemporary considerations consistent with the Home Rule Authority of the Town, and State law concerning public libraries set forth in Title 27 M.R.S.A. §101.

Article I – Authority

This ordinance is enacted pursuant to the Home Rule Authority granted to the Town in accordance with provisions of Title 30-A, M.R.S.A. §3001, and pursuant to the provisions of Title 27, M.R.S.A. §101-109, inclusive.

Article II - Establishment of Public Library

There shall be a public library of the Town, known as the "Camden Public Library." The purpose of the public library shall be to provide the inhabitants of the Town of Camden, and surrounding communities with public library services and facilities.

Article III - Governing Board

The governing board of the Camden Public Library shall be the Board of Trustees.

Article IV - Appointment of the Board of Trustees

The initial Board of Trustees shall be the Board of Trustees of the Camden Public Library which is in office as of the date of the Town Meeting at which this ordinance is enacted. The names and addresses of the initial Board of Trustees are attached to this ordinance as Exhibit A.

The initial Board of Trustees, and all subsequent Boards, shall consist of the number of members set forth in the By-laws each serving a three-year term, with the term of each member of the initial Board of Trustees commencing on the date of enactment of this ordinance and ending on the date set forth in Exhibit A.

New members of the Board of Trustees shall be elected by the Board of Trustees in accordance with the Bylaws of the Board of Trustees, subject to confirmation by the Board of Selectmen. The election of a new member shall be reported in writing by the President of the Board of Trustees to the Board of Selectmen within ten (10) days of the date of election. The Board of Selectmen shall act upon confirmation of a new member of the Board of Trustees within thirty (30) days of its receipt of that report.

The Board of Selectmen may appoint one member of the Board of Selectmen to act as a liaison between the Board of Selectmen and the Board of Trustees, and the Selectman so appointed may attend all meetings of the Board of Trustees.

Article V - Bylaws of the Board of Trustees

The Bylaws of the Board of Trustees in force at the time of enactment of this ordinance, a copy of which is attached to this ordinance as Exhibit B, shall govern the conduct of the Trustees. Amendments to the Bylaws shall be made by the Trustees in accordance with the Bylaws subject to confirmation of each amendment by the Board of Selectmen within thirty (30) days of receipt of Bylaw amendments by the Board of Selectmen.

Chapter VI-16
ORDINANCE CONCERNING THE OPERATION AND MAINTENANCE
OF THE MOUNTAIN VIEW CEMETERY AND THE OAK HILL CEMETERY
IN THE TOWN OF CAMDEN

PREAMBLE

Consistent with the historical relationship between the Camden Cemetery Association and the Town of Camden, this Ordinance is enacted to reflect contemporary considerations for the Town's cemeteries and in accordance with the Home Rule Authority of the Town.

ARTICLE I: AUTHORITY

This Ordinance is enacted pursuant to the Home Rule Authority granted to the Town in accordance with the provisions of Title 30-A, MRSA Section 3001 and Title 13 MRSA Section 1373.

ARTICLE II: PUBLIC CEMETERIES

There are two public cemeteries in the Town of Camden: Mountain View Cemetery and the Oak Hill Cemetery. The purpose of the Cemetery Association shall be to provide the inhabitants of the Town of Camden, inhabitants of surrounding towns and communities, and families and individuals who may contract with the Town of Camden from time to time for the burial and internment of human bodies and for other services and facilities normally associated with a public cemetery, including any future cemeteries in the Town.

ARTICLE III: GOVERNING BODY

The governing body of the Cemetery Association shall be the Board of Trustees.

ARTICLE IV: APPOINTMENT OF THE BOARD OF TRUSTEES

The initial Board of Trustees shall be the Board of Trustees of the Camden Cemetery Association, which is in office as of the date of the Town Meeting at which this Ordinance is enacted. A copy of the names and addresses of the members of the Board of Trustees in office as of June 9, 1999 is attached to this ordinance.

The initial Board of Trustees shall consist of seven members with staggered terms as follows: Three members shall serve a three year term, commencing July 31, 1999 and expiring on July 31, 2002; two members shall serve a two year term, commencing July 31, 1999 and expiring on July 31, 2001, and two members shall serve a one year term, commencing July 31, 1999 and expiring on July 31, 2000.

Following the establishment of the Board of Trustees, vacancies in the Board of Trustees, by expiration of term of office, or otherwise, shall be filled by appointment by the Board of Selectmen of a person to fill each such vacancy, as the vacancy occurs. The Town of Camden finance supervisor will be an ex-officio member of the Board of Trustees.

Each new appointee shall assume office, and that appointee's term of office shall commence as of the date of appointment by the Board of Selectmen.

ARTICLE V: OFFICERS OF THE BOARD OF TRUSTEES

The Board of Trustees shall elect a chairperson and a vice chairperson. The finance supervisor shall serve as the recording secretary. The foregoing officials shall be the officers of the Board of Trustees and shall serve in that capacity for a term of one year, or until his or her successor shall be elected by a subsequent Board of Trustees.

ARTICLE VI: MEETINGS OF THE BOARD

Meetings of the Board of Trustees shall be held at such times as the Board may determine. Special meetings of the Board of Trustees may be called by the Chairperson or, in the case of the disability or absence of the Chairperson, by the Vice Chairperson, upon notice to each Board member as well as to the public of each such special meeting, no less than three days prior to each special meeting. All meetings of the Board of Trustees, with the exception of executive sessions permitted by law, shall be public meetings and the public shall be permitted to attend.

ARTICLE VII: POWERS, AUTHORITY, AND DUTIES OF THE BOARD

The Board of Trustees shall have the power, authority, and duty to manage and to control the public cemeteries, in all things connected with those cemeteries, including the authority to:

- A. Engage the services of independent contractors and companies for maintenance, care, and preservation of the cemetery grounds and all cemetery facilities;
- B. Coordinate and monitor the hiring and supervision of employees of the Town providing work and services for the maintenance, care, and preservation of the cemetery grounds and all cemetery facilities;
- C. Accept gifts and endowments for the use of the Cemetery Association in the operation, maintenance and preservation of the public cemeteries, subject to the requirement that the acceptance of all such gifts and endowments shall be confirmed by the Board of Selectmen of the Town;
- D. Purchase and arrange for the purchase of all materials, equipment, and supplies for the operation, maintenance, and preservation of the public cemeteries;
- E. Direct the expenditure of Cemetery Association funds.
- F. Direct the investment of Cemetery Association funds, in consultation with the Board of selectmen of the Town and in accordance with the provisions of Article X of this ordinance.
- G. Establish bylaws and regulations for the operation and management of the public cemeteries, and for the use of those facilities by the inhabitants of the Town and by inhabitants of other towns and communities; and

- H. Engage in all functions and perform all duties required for the operation, maintenance, management, and preservation of the Mountain View Cemetery, the Oak Hill Cemetery, and any other public cemeteries of the Town of Camden.

ARTICLE VIII: SEXTON

The Board of Trustees shall appoint a Sexton who will work under the direction of the Board of Trustees; for purposes of the Town's personnel policies, the Finance Supervisor of the Town shall be the supervisor of the Sexton. Among other duties assigned to the Sexton, the Sexton shall be responsible for the location of grave sites, and coordinating grave openings and closings.

ARTICLE IX: TOWN FINANCE SUPERVISOR

The Town finance supervisor shall serve as a financial assistant to the Board of Trustees for the purpose of providing monthly financial information on Cemetery Association revenues and expenses.

ARTICLE X: DONATIONS AND CEMETERY ASSOCIATION FUNDS

All funds that have been donated to the Town of Camden or to the Cemetery Association for the use of the Mountain View Cemetery, the Oak Hill Cemetery, or any other public cemetery in the Town, and all cemetery revenues, shall be held in the name of the Cemetery Association. The Board of Trustees shall be responsible for the investment and management of all such Cemetery Association funds, or funds resulting from donations to the Town for cemetery purposes.

With the concurrence of the Board of Selectmen, the Board of Trustees shall make decisions concerning the investment of Cemetery Association funds and Town funds.

As directed by the Board of Selectmen, in consultation with the Cemetery Association, the Treasurer of the Town shall invest Cemetery Association funds in accordance with the provisions of Title 30-A MRSA Section 5706. Cemetery Association trust funds and funds donated to the Town for cemetery purposes may be pooled with other Town trust funds for investment purposes, as directed by the Board of Selectmen. In the event that such funds are pooled with other Town trust funds, the interest and income earned on those funds shall be segregated from other income and such interest and income shall be used exclusively for the purposes of the public cemeteries of the Town. In the event that any instruments of donation or gifts to the Cemetery Association or the Town contain restrictions or limitations on the investment of those funds, then those funds shall be invested in compliance with those restrictions and limitations.

ARTICLE XI: CEMETERY BUDGET

The Board of Trustees shall be responsible for the preparation of the annual budget. The Board of Trustees shall develop an annual operating and capital budget showing line item expenses and supporting revenue. The annual budget for the Cemetery Association shall

show the investment of all funds and donations, and the expenditures anticipated for the operation of the cemeteries for the budgetary year.

ARTICLE XII: APPLICABILITY OF PERSONNEL POLICIES

Except as otherwise stated in this Ordinance, all employees of the Town working at the public cemeteries, including the Sexton, shall be subject to the personnel policies of the Town of Camden.

ARTICLE XIII: AUTHORITY TO HIRE INDEPENDENT CONTRACTORS

The Board of Trustees shall have the authority to engage independent contractors for purposes of providing services for the maintenance, care, repair, and preservation of the public cemeteries, and equipment and facilities associated with those cemeteries. Independent contractors shall be engaged for such work on terms and conditions approved by the Board of Trustees. Independent contractors shall not be considered employees of the Town of Camden or the Cemetery Association and shall not be subject to the personnel policies of the Town.

ARTICLE XIV: OWNERSHIP OF CEMETERIES

All cemeteries, cemetery lots, and portions of public cemeteries located in the Mountain View Cemetery and the Oak Hill Cemetery shall be owned by the Town of Camden, including all portions of cemeteries or cemetery lots conveyed to the Camden Cemetery Association, unless ownership by the Town of Camden violates a restrictive covenant or prohibition set forth in a deed concerning a portion of a cemetery or a cemetery lot. The Camden Cemetery Association shall execute deeds and other instruments for recording in the Knox County Registry of Deeds conveying all such interest in the cemeteries, cemetery lots, and portions of public cemeteries to the Town of Camden.

ARTICLE XV: EFFECTIVE DATE

This Ordinance shall take full force in effect on the date of enactment of this Ordinance at a Town Meeting of the Town of Camden.

ARTICLE XVI: PRIOR CEMETERY ORDINANCES

Upon enactment of this Ordinance, this Ordinance shall supersede any other ordinance or operating arrangement between the Town of Camden and the Camden Cemetery Association, and any prior ordinance is repealed. All cemetery facilities, including equipment, supplies, and materials, shall be transferred to the Town of Camden under the supervision of the Board of Trustees as established by this Ordinance.

Adopted by the voters of the Town of Camden on June 8, 1999.

Chapter VI-17

GENERAL ENFORCEMENT ORDINANCE

The purpose of this Ordinance is to provide an enforcement mechanism for any and all Ordinances duly adopted within the Town of Camden, which do not therein delegate a specific enforcement authority to issue notice of violation letters and subsequently prosecute ordinance violations.

1. **EFFECTIVE DATE:** This ordinance shall be effective upon adoption of the voters of the Town of Camden.
2. **AUTHORITY:** The following responsibilities for enforcement are allocated as follows:
 - a. The duly appointed Code Enforcement Officer of the Town of Camden is hereby authorized and shall enforce the Flea Market Ordinance, the Hawkers and Peddlers Ordinance, the House Trailer Ordinance and the Newspaper Vending Rack Ordinance, all as amended from time to time.
 - b. The Chief of Police or his authorized representative of the Camden Police Department is hereby authorized and shall enforce all parts and sub-parts of the Town of Camden Police Ordinance, as amended from time to time.
 - c. The duly appointed Code Enforcement Officer of the Town of Camden is hereby authorized and shall enforce all other Ordinances of the Town of Camden for which there is no specific enforcement officer identified therein.

This Ordinance shall not affect or modify enforcement authority previously established in any Ordinance of the Town of Camden or any State Law to the extent that it conflicts with the provisions of this Ordinance. The Code Enforcement Officer or the Police Chief, as described herein, are hereby authorized to issue Notices of Violation and to prosecute matters, either individually or in conjunction with the Town Attorney for the Town of Camden. Prosecution or defense of actions in District or Superior Court may proceed after it is authorized by the Select Board of the Town of Camden.

3. **PENALTIES:** The monetary civil penalties for violations of any Ordinance of the Town of Camden, which does not already specifically include a monetary penalty for violations therein, shall be as follows:
 - a. For violations of the terms and conditions of any such Ordinance there shall be a \$100.00 minimum penalty and the maximum penalty shall be \$2,500.00, with each day being a separate and distinct violation. Penalties shall accrue commencing three days after the date of issuance of a Notice of Violation from the office of the Code Enforcement Officer. Said notice shall be sent by regular mail at the last known address of the offender on file with the Town of Camden, or in hand, or by certified mail, return receipt requested.

- b. In addition to the penalties provided herein, the Town of Camden through its duly appointed representative and/or the Town Attorney, may bring an action in the Superior Court or the District Court to enjoin violations of all Ordinances of the Town of Camden, for collection of penalties, and for such other relief as may be provided by law, including Title 30-A § 4452, as amended from time to time.
 - c. As an alternative, in part or in whole, to the penalty provisions as described in subsection 3(a), the Town and violator may negotiate a community service penalty and request the Court to issue an Order of Community Service after agreement of the parties.
4. **SEVERABILITY:** If any section, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.
5. **CONFLICT WITH OTHER ORDINANCES:** Whenever the regulations of this Ordinance conflict with those of another Ordinance or Regulation, the specific terms in any other Ordinance shall control over the terms of this Ordinance.

Adopted at the June 8, 2004 Annual Town Meeting.

TOWN OF CAMDEN CONDITIONAL GIFTING ORDINANCE

Purpose: The purpose of this Ordinance is to provide an orderly method for receiving conditional gifts, authorizing the Select Board to accept such gifts, and to provide a method for perpetual or limited term compliance with the terms of all conditional gifts accepted by the Town of Camden. This Ordinance is adopted pursuant to 30-A M.R.S.A. 5654 relating to acceptance of conditional gifts, so as to promote the general health and welfare of the people of Camden through investment and betterment of public land, buildings and facilities used and enjoyed by the public.

1. Delegation of Authority to Select Board

It is hereby found by the Inhabitants of the Town of Camden that there exists a need to provide a mechanism for acceptance of conditional gifts as are offered to the Town of Camden from time to time. The conditional gifts can take the form of tangible or intangible property. The Inhabitants of the Town of Camden hereby find that in order to adopt a more efficient and orderly process of acceptance of conditional gifts in certain circumstances as described herein, the Inhabitants of the Town of Camden hereby delegate all authority of the municipality to accept conditional gifts as referenced in 30-A M.R.S.A. 5654, as amended from time to time, to the Camden Select Board.

2. Process for gifting or naming programs initiated by the Town of Camden

In the event that the Select Board determines, after notice and public hearing, that the Town wishes to engage in solicitation of conditional gifts related to donations for development of public lands, infrastructure, fixtures, buildings or parks, the Select Board may proceed as follows:

- (a) develop a scheme of gift or naming opportunity categories, based on a predetermined level of giving, and adopt such a scheme through a set schedule;
- (b) after adoption, the scheme and schedule shall be made available to the public and posted on the Town's official website;
- (c) after initial adoption, said scheme and/or schedule may be amended from time to time as an agenda item during any duly noticed Select Board Meeting;
- (d) the terms of conditional gifting may include certain naming opportunities related to improvements on property owned by the Town of Camden or property over which the Town of Camden has rights of public access and use. The naming opportunity may include fixtures, improvements, betterments, portions or particular architectural aspects of buildings such as particular rooms, meeting areas, other particularized facilities, as well as buildings themselves; and
- (e) any such scheme relating to conditional gift solicitation shall include a detailed outline of the terms and conditions of gifting, including the duration of the naming opportunity. A naming opportunity shall not exceed a period of fifty (50) years.

3. Conditional Gifts originating from the Donor

When the Select Board receives a written notice from a prospective donor or a representative regarding a proposed conditional gift, the Select Board shall proceed as follows:

- (a) submit the matter to public hearing to receive input from the community. Input from the community may include, but not be limited to, comment relating to the amount and scope of the gift received, the type of conditions that should be attached to it, the

duration of the conditions of the gift and any other related comment and/or suggestions. Select Board shall be required to consider such comments from the public, but at all times the Select Board shall retain independent discretion to accept the gift and any naming opportunity and/or other conditions associated with said prospective gift.

- (b) Notice of the hearing shall be provided in a newspaper of general circulation in the Camden area and provide for seven (7) days notice prior to hearing. The caption of the notice shall read as follows: “Consideration of Conditional Gift to the Town of Camden from (name of prospective donor).” The notice shall indicate the general conditions associated with the proposed gift as written by the prospective donor and indicate that the Select Board may or may not accept the conditions and/or may impose other conditions prior to final acceptance.

4. Deposited or invested funds

- (a) After the date upon which any conditional monetary gift, shares, bonds or other investment accounts, are received by the Town of Camden, but prior to the actual disposition of the money for the intended conditional gift, such as during a construction period prior to completion of a project, the Select Board may deposit or invest said conditional gift.
- (b) The Select Board may enter into agreement with any financial institution with trust powers authorized to do business in the State of Maine for the safekeeping of reserve funds as defined in 30-A M.R.S.A. 5801, or trust funds as defined by 30-A M.R.S.A. 5653, of the municipality; and at all times shall comply with 30-A M.R.S.A. 5706 as amended from time to time, regarding municipal deposit or investment of funds.

5. Exceptions

(a) Gifts, testamentary or *inter vivos* trusts naming the Inhabitants of the Town of Camden as beneficiaries, shall not be subject to this Ordinance so long as there is no condition of acceptance stated in the proposed gift or trust, which would obligate the Town of Camden to incur liabilities or convey any right, title or interest in any Town asset or Town property. It is intended that acceptance of such traditional unconditional gifts and trusts will be considered through an article in the annual Town Warrant.

(b) Town-owned Historic Buildings/Structures/Objects included within the Camden Historic Districts as depicted in the Camden Historic Area Overlay Map approved at the Camden Annual Town Meeting on June 28, 2007, and Buildings/Structures/Objects listed on any State or Federal Register of Historic Places shall be exempt from and not subject to this Ordinance.

(c) No conditional gift may be accepted which requires any form of naming, recognition or representation of any religious or political symbols or affiliation.

6. Effective date

This Ordinance will become effective pursuant to the time frames provided in the Charter of the Town of Camden.

TOWN OF CAMDEN ORDINANCE TO REGULATE THE SALE AND/OR USE OF CONSUMER FIREWORKS

Section 1. Findings and Purpose

- (a) The Town of Camden finds that the Maine state legislature approved legislation to make the sale and/or use of consumer fireworks legally permissible, and that said amendments to the M.R.S.A., Title 8, Amusements and Sports, Chapter 9-A, Fireworks, take effect on January 1, 2012. Said legislation also allows a municipality to adopt an ordinance to prohibit or restrict the sale and/or use of consumer fireworks.
- (b) The Town of Camden finds that the sale and use of the consumer fireworks identified in the State law could pose a threat to the public health, safety and/or welfare. The Town of Camden further finds that it is in the best interests of the Town of Camden and public to prohibit the sale and use of consumer fireworks in the Town of Camden by adopting local ordinance provisions, as allowed by the relevant State law.

Section 2. Definitions

The following definitions shall apply in this section:

- (a) *Consumer fireworks* shall have the same meaning as set forth in Title 27 Code of Federal Regulations, Section 555.11 or subsequent provision. Consumer fireworks shall include only those products that have been tested and certified by a third-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, established pursuant to Title 15 United States Code, Chapter 47. “Consumer fireworks” shall not include the following products:
 - (1) Missile-type rockets, as defined by the State Fire Marshal by rule;
 - (2) Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and

- (3) Sky rockets and bottle rockets. For purposes of this paragraph, “sky rockets and bottle rockets” means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule. With a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.
- (b) *Display* means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks or special effects.

Section 3. Prohibition

No person or legal entity shall use or sell consumer fireworks in the Town of Camden. This section, however, does not apply to a person or legal entity issued a fireworks display permit by the State of Maine pursuant to 8 M.R.S.A. §227-A, as amended.

Section 4. Penalties, Prosecution and Legal Fees.

Any prosecution under this Ordinance shall be initiated and conducted by the Camden Police Department.

Town of Camden Ordinance to Regulate
The Sale and/use of Consumer Fireworks – Page 2

- (a) Any person who uses consumer fireworks within the Town of Camden shall be punished by a fine of not less than two hundred dollars (\$200.00) and not more than four hundred dollars (\$400.00) plus court costs. For second and subsequent offenses, a fine of not less than three hundred dollars (\$300.00) and not more than six hundred dollars (\$600.00) per violation plus court costs shall be imposed;
- (b) Any person who sells consumer fireworks within the Town of Camden shall be punished by a fine of not less than five hundred dollars (\$500.00) plus costs. For second and subsequent offenses, a fine of not less than one thousand dollars (\$1,000.00) per violation plus costs shall be imposed;
- (c) The Town of Camden may seek equitable and injunctive relief, including but not limited to Temporary or Permanent Injunctive orders, so as enforce the provisions of this Ordinance; and,
- (d) Any person or legal entity found in violation of this Ordinance by a court of competent jurisdiction shall pay the Town of Camden's legal fees incurred in any prosecution under this ordinance.

Section 5. Seizure and Disposal.

The Town of Camden may seize consumer fireworks that the Town of Camden has probable cause to believe are sold or used in violation of this section and shall forfeit seized consumer fireworks to the State Fire Marshall's office, or such other authorized State Department, for disposal.\

Historical Note: Adopted by Special Town Meeting Vote on December 20, 2011.

Unencapsulated Polystyrene Ordinance

SECTION 1 – PURPOSE

The intent of this ordinance is to eliminate the use of unencapsulated polystyrene in dock floats and buoys on Camden's lakes, rivers, harbors and coastal waters.

The Inhabitants of Camden make the following findings: Polystyrene is a petroleum product, commonly known as Styrofoam. It is often used in dock floats because of its buoyancy. It is neither readily recyclable nor biodegradable and takes hundreds of years to degrade in the environment. When exposed to the elements, it fragments into unsightly, small, non-biodegradable pieces that may be ingested by marine life, wild and domestic water birds and other wildlife. When ingested, the polystyrene fragments may block the digestive system of birds and animals, killing them through starvation. Aquatic and land mammals, other organisms, and nesting rodents hasten the fragmentation of polystyrene by forming nests in, under or on top of the material when seasonally stored on land. Mechanical trauma such as the dragging of floats over land may also cause the polystyrene to break apart. The deterioration of larger polystyrene floats into beads and smaller pieces create a pollution line along shorelines, intertidal land and other places where buoyant debris collects, which is a form of pollution and increases the chances of ingestion by water dependent mammals and birds. Such pollution must be picked up and removed at the expense of the public and private citizens. To prevent such degradation, pollution and hazard to water dependent mammals and birds, polystyrene floats may be encapsulated in a hard polyethylene shell, which prevents the deterioration and spread of beads and smaller sections of polystyrene floats. The general health and welfare of the citizens, birds and animals requires that such use of unencapsulated polystyrene be banned from use in Camden's lakes, rivers, harbors and coastal waterways. This Ordinance is adopted in relation to Home Rule Authority and plenary police powers as found in Title 30-A M.R.S. 3001, the Municipal Police Powers relating to the Public Trust in Intertidal Lands as found in 12 M.R.S. 573(3), Title 38 M.R.S. 1 et seq., and 12 M.R.S. 13072.

SECTION 2 – DEFINITIONS

Polystyrene is a thermoplastic polymer or copolymer comprised of at least 80 percent styrene or para-methyl styrene by weight.

Unencapsulated polystyrene means polystyrene that is not completely encased within a polyethylene shell or within other comparable materials warranted by the manufacturer for 8 years or more against cracking, peeling, sloughing, and deterioration from ultraviolet exposure and physical trauma.

SECTION 3 – USE OF POLYSTYRENE PROHIBITIONS

The use of unencapsulated polystyrene as a flotation device is prohibited for use in any lake, stream, water body, harbor and coastal water within the jurisdiction of the Town of Camden, including but not limited to in any dock system, float, mooring system or buoy. Unencapsulated polystyrene is hereby prohibited for use in the repair of any existing dock system, mooring system, float or buoy placed or to be placed in any lake, stream, water body, harbor or coastal water within the jurisdiction of the Town of Camden.

SECTION 4 – NUISANCE

In addition to the prohibition as described in subsection 3 herein above and the remedies available to enforcement thereof, it is hereby declared that the use of unencapsulated polystyrene as a flotation device in any lake, stream, water body, harbor and coastal water within the jurisdiction of the Town of Camden, including but not limited to in any dock system, float, mooring system or buoy, is a nuisance and public health hazard, and may be prosecuted as provided in the Maine Revised Statutes.

SECTION 5 – AMORTIZATION OF POLYSTYRENE USE

Upon adoption of this Ordinance, all use of unencapsulated polystyrene as a flotation device in any lake, stream, water body, harbor and coastal water within the jurisdiction of the Town of Camden shall be prohibited. Therefore, the use of all existing unencapsulated polystyrene flotation devices in actual use as of the effective date of adoption of this ordinance shall be legally non-conforming. It is hereby declared, that all such unencapsulated polystyrene flotation devices shall be illegal on the fifth anniversary after the effective date of adoption of this Ordinance, and shall thereafter shall be subject to enforcement and removal as authorized herein. The Town of Camden finds this five year amortization in exercise of the local police power to be a reasonable regulatory means to address the public hazards to be corrected hereby.

SECTION 6 -- ENFORCEMENT

Any violation of the prohibited acts or uses described herein shall be a civil violation as defined in 17-A M.R.S.A. § 4-B and shall prosecuted under Maine Rule of Civil Procedure 80H by the Camden Harbor Master and/or the Camden Inland Harbor Master. The violator shall be subject to penalties of \$25 for the first violation. Failure to remediate the violation within 30 days after receipt of a written Notice of Violation shall result in a fine of \$25 per day for each additional day that the violation continues. In addition to the financial penalties so provided, the Town may seek temporary and permanent injunctive relief to enforce the terms of this Ordinance. Each violator found by the Court to have

violated this ordinance shall pay the Town's reasonable attorney's fees and costs incurred in enforcing this ordinance.

Historical Note: Adopted by Special Town Meeting November 7, 2017.

**TOWN OF CAMDEN
POLICE ORDINANCE
CHAPTER VIII**

Revised through June 12, 2002 Annual Town Meeting added Part XV Public Transportation Ordinance
Revised July 21, 2003 Select Board Meeting, Parking Ord. Schedule 9
Revised August 19, 2003 Select Board Meeting, Parking Ord. Schedule 3 & Schedule 8
Revised November 17, 2003, Parking Ord, Section 5 speed regulations
Revised June 7, 2004 Select Board Meeting, Parking Ord. Schedules 4 & 5
Revised June 21, 2004 Select Board meeting, Parking Ord. Schedule 7
Revised June 14, 2005 Annual Town Meeting, added Part XI Authorizing Names for Private Roads
Revised October 3, 2005 Select Board Meeting, Parking Ord. Section 13.1 paragraph 2c (deleted)
Revised June 13, 2006 Annual Town Meeting, revision to Part VI Taxicab Ordinance
Revised June 14, 2007 Annual Town Meeting; replaced Part XIII Placement of Benches on Public Sidewalks Ordinance with new Sidewalk Ordinance
Revised June 18, 2007 Select Board Meeting, Part IV Traffic Code, Section 15, Schedule 10
Revised November 6, 2007 Special Town Meeting (Part III-B Discharge of Firearms)
Revised November 4, 2008 Special Town Meeting Vote (Part I-D Victualer License Ordinance; Part I-E Lodging Establishment Licensing Ordinance; Part II-A Special Amusement Permits; and Part VI Taxicab Regulations.
Revised November 12, 2008 Select Board Meeting, Part IV Traffic Code, Section 15, Schedule 10
Revised February 3, 2009 Select Board Meeting, Schedule A Taxicab Ordinance
Amended Section 15-A Penalties, Select Board Meeting, April 5, 2011.
Revised June 15, 2016 Annual Town Meeting added Part III-D Prohibition of Feeding Wild Animals
Revised June 15, 2016 Annual Town Meeting repealed Part XI Authorizing Names for Private Roads replaced with Part XI NG-911 Addressing Ordinance
Revised through November 8, 2016 to amend Part XIII Public Conduct and Noise
Revised November 7, 2017 to add Part XVI Blasting Ordinance

Certified:

John R. French, Jr., Select Board Chair Date

A true copy, attest:

Katrina Oakes, Town Clerk Date

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

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**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

Police Power Ordinance Part IA-1

**Ordinance Prohibiting Panhandling
And Begging in Public Places**

The Inhabitants of the Town of Camden are concerned about the serious public health and safety problems which result from panhandling and begging of individuals in public places in the Town of Camden. Such begging and panhandling may lead to serious problems involving the safety of residents and visitors to the Town. Panhandling and begging can intimidate visitors to the Town with an adverse impact on the Town's tourist-oriented economy. Panhandling and begging also can lead to potential violence and an unwarranted intrusion upon the privacy of residents of the Town and visitors to the town. The following Ordinance is hereby adopted in the interest of promoting the general welfare, public health and providing for public safety.

SECTION 1 AUTHORITY

This Ordinance is enacted pursuant to the Home Rule Authority granted to the town in accordance with the provisions of title 30-A M.R.S.A. ss3001.

SECTION 2

No person shall loiter for the purpose of begging or engage in panhandling alone or in consort with any other person in a public place. Begging and panhandling, as defined in this Ordinance, shall be a violation of the provisions of this Ordinance and subject the violator to the penalties set forth in this Ordinance.

SECTION 3

For purposes of this Ordinance, fund raising and the solicitation of contributions for charitable purposes in public places by religious, educational, charitable, benevolent or philanthropic organization, or any person acting for such an organization which is authorized by that organization, shall not be considered to be begging or panhandling. Such fund raising or solicitation of contributions shall be exempt from the provisions of this Ordinance. Without limiting the generality of this exemption and for purposes of illustration, the solicitation of contributions from the public on the public sidewalk by the Salvation Army, a Rotary club, a Lions club, the Red Cross, the YMCA or any other similar charitable and nonprofit organization shall be exempt from the provisions of this Ordinance and such activities shall not be deemed to be begging or panhandling as defined in this Ordinance.

SECTION 4 DEFINITIONS

For purposes of this Ordinance, the following definitions shall apply to the terms set forth below in this Section:

- (a) "Begging" shall mean the solicitation of money, including coins and paper money of legal tender, without any return by the person making that solicitation of any consideration for the receipt of that money.
- (b) "Loitering" shall mean remaining in essentially one location for the purpose of begging as defined in

this Ordinance and, for purposes of the Ordinance, shall be unlawful only if such loitering occurs in connection with begging by that person.

- (C) "Panhandling" shall mean the actions of a person in moving or walking along the sidewalk of a public way or along a public way for the purpose of the solicitation of money, including coins and paper money of legal tender, without the return by the person making that solicitation of any consideration for the receipt of that money.
- (D) "Public Place" shall mean any place to which the general public has access which is not owned privately, including the public sidewalks of the Town of Camden, the streets and Town roads of the Town of Camden, public parks owned by the town of Camden, the Camden Public Landing, the Village Square, all publicly owned beaches in the town of Camden and any buildings owned by the town of Camden including the grounds associated with those buildings. The term "Public Place" shall specifically include the public sidewalk area in the front or immediate area of any store, shop, restaurant, tavern or other place of business.

SECTION 5 PENALTY

Any person who violates any provision of this ordinance shall be subject to a penalty of not less than \$50.00 and not more than \$100.00 for each and every offense, and that penalty shall be recoverable in an action in the District court, Division of Knox, of the State of Maine.

SECTION 6 SEVERABILITY

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, unless the application of any remaining portion of the Ordinance would result in action being taken which is inconsistent with the objectives of this Ordinance.

SECTION 7 THE EFFECTIVE DATE

This Ordinance shall take full force and effect on the date of enactment of this Ordinance at a Town meeting of the town of Camden.

Historical Note: Adopted at Town Meeting, June 10, 1997

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

PART I-A-2 Assembly Ordinance

Preamble

The Inhabitants of the Town of Camden are concerned about the serious public health and safety problems that may result when crowds assemble for any organized event. Such assemblages may lead to serious problems involving public health and safety matters relating to waste disposal, potable water, first aid, obstruction and damages to roads and highways, violation of alcohol and controlled substance laws, and destruction of both public and private property. The following ordinance is hereby adopted in the interest of promoting the general welfare, public health, and providing for public safety.

Section 1-Authority

This ordinance is enacted pursuant to the Home Rule Authority granted to the Town in accordance with the provisions of 30-A M.R.S.A.s 3001.

Section 2-License Required

No person shall exhibit, sponsor, hold, promote, or operate any pageant, amusement show, theatrical performance, or other public assemblage, where in excess of 400 people are reasonably anticipated to attend and where a substantial portion of the exhibitors, sponsors, promoters, operators, or attendees will be out of doors without procuring a license therefor from the municipal officers. Activities sponsored by the Town of Camden or by SAD 28, and public assemblies for purposes of town government are expressly excluded from the licensing requirement of this ordinance.

Section 3-License Request Deadline

Any person seeking issuance of an assembly license must make a request therefor to the municipal officers or their agent no later seven (7) days prior to the event.

Section 4-License Fees

There shall be paid at the time of processing the request for an assembly license a fee according to the following schedule:

<u>Attendees</u>	<u>License Fee</u>
400-1000	\$25.00
1001-2000	\$75.00
more than 2000	\$150.00

Section 5-Contents of Request

No license shall be granted by the municipal officers unless the applicant satisfies the municipal officers that proper facilities will be available for the proposed event in the area to be used and that adequate precautions have been taken to ensure the public health and safety of attendees and the general public.

Section 6-Standards for Issuance

The municipal officers shall issue a license to the applicant in the event that the municipal officers determine that the applicant complies with and has the ability to comply with the following standards, considering the size, duration and nature of the proposed event:

- (a) Determine to their satisfaction that adequate supplies of potable water shall be available and reasonably spaced throughout the area;
- (b) Determine that adequate toilet facilities shall be available
- (c) Determine that the area to be used is adequately equipped with containers for disposal of solid waste and garbage and that provisions are made for the removal and disposal of such wastes and garbage;
- (d) Determine that adequate first aid facilities shall be provided;
- (e) Determine that adequate parking facilities are available in the area in which the event is to be held;
- (f) Determine that the event will not impair the safe and orderly flow of traffic on public ways; and
- (g) Make any additional determination reasonably necessary for the municipal officers to find that the applicant shall continue to comply with the standards set forth above for issuance of the license as of the date of the event.

Section 7-License Conditions

The municipal officers may attach conditions to any license issued hereunder as are reasonably necessary to the applicant's compliance with this ordinance, and enforcement of this ordinance, including, without limitation, a condition that the applicant hire police officers for the event.

Section 8-Surety Bond Required

In the event that the municipal officers determine that a surety bond is necessary to assure the applicant's compliance with the standards and conditions of the issuance of the license, the applicant may be required to furnish a surety bond acceptable to the municipal officers insuring that the grounds will be cleared of waste, and any damage to public or private property in the area arising out of, or in connection with, the event is promptly corrected or compensated for.

Section 9-Private Landowner Authority

In the event that private property is to be used in connection with such event, the applicant shall file with the municipal officers or their agent adequate proof that the applicant has authority from any landowner upon which is to be held to use his property.

Section 10-Additional Information

The applicant, if called upon to do so by the municipal officers or their agent, shall furnish a plan showing the size of the area to be used with designated locations for drinking water, toilet and washing facilities, waste containers, first aid facilities and available parking.

Section 11-Duties of Licensee

- (a) The Licensee shall comply with all conditions of any license issued hereunder and with all applicable local, state and federal laws and ordinances.
- (b) The Licensee or its designated agent shall make available to any municipal officer or Code Enforcement Officer any license issued hereunder during the entire course of the event.

Section 12-Fines

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 to a fine of \$250.00 per day for each infraction, shall be personally responsible for damages to public or private property arising out of or in connection therewith and subject to any civil or injunctive relief that may be reasonable and proper.

Section 13-Revocation

The municipal officers or their duly authorized agents shall have the authority to revoke any license issued hereunder in consequence of a violation of any conditions of the license or any noncompliance with the standards for issuance of a license.

Section 14-Severability

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 unless the application of any remaining portion of the ordinance would result in action being taken which is inconsistent with the objectives of this ordinance.

Section 15-Effective Date

This ordinance shall take full force and effect on the date of enactment of this ordinance at a Town Meeting of the Town of Camden.

Historical Note: Adopted at Town Meeting June 9, 1992.

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

PART I-B HOURS OF OPERATION, RECREATIONAL AREAS

In accordance with the provisions of Chapter 141, Title 30-A Section 3001 of the Maine Revised Statutes, and by authority granted therein under Section 3001 and in the interest of promoting general welfare and providing for public safety and convenience, the following ordinance is hereby adopted by the Inhabitants of the Town of Camden, Maine.

Be it ordained by the Inhabitants of the Town of Camden as follows:

1. All town parks, beaches and recreation areas being the property of the Town of Camden and located within the boundaries of the Town of Camden shall be closed to public use from the hour of 11 PM each day until the hour of 6 AM each day, unless other hours of closing for particular areas shall be fixed by the Board of Selectmen of the Town of Camden after public hearing. In cases where hours of closing for particular areas are fixed by the Board of Selectmen, they shall be posted at or near the entrances of such recreation areas. No person or persons shall, between the hours of 11:00 PM and 6:00 AM, or at such other posted hours as are fixed by the Selectmen of the Town of Camden, enter upon said town parks, beaches or recreation areas, except by license granted by the Board of Selectmen of the Town of Camden or their duly authorized agent. Whoever violates this Section shall be punished by a fine of not less than \$50.00 and not more than \$200.00.

2. Motor vehicles, as defined in Title 29-A, Maine Revised Statutes, Section 101, subsection 42, are prohibited from being on ice of lakes within or adjacent to Camden between the hours of sunset and sunrise of the following day. A fine of not less than \$50.00 nor more than \$200.00 may be imposed for violation of this ordinance. This ordinance does not prohibit motor vehicles from being on lakes during regular fishing hours, nor does it prohibit snowmobiles, as defined in Title 12, Section 7821, subsection 5, or ATV's, as defined in Title 12, Section 7821, subsection 2, from being on the lakes at any time.

Historical Note: Adopted June 9, 1970, Amended: March 10, 1986, June 13, 1995, October 2, 1995*.

State Law Reference: 30-A MRSA, Section 3001.

*On October 2, 1995, the Selectmen voted to establish closing times for public parks and cemeteries as follows:

- Barrett's Cove, Shirttail Point & Laite Beach 10:00 PM-6:00 AM
- Mountain View and Oak Hill Cemeteries Dusk to Dawn

*On July 3, 2000 the Selectmen voted to establish closing times for Curtis Island as follows: Sunset to Sunrise

*On December 17, 2001, the Select Board voted to establish closing times for Harbor Boat Ramp as dusk to dawn.

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

PART I-C Curfew Ordinance

Section 1 Short Title

This Ordinance shall be known and may be cited as the Curfew Ordinance of the Town of Camden.

Section 2

It is found and declared as a matter of legislative determination and public policy that the provisions and prohibitions hereinafter contained and enacted are in the pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare, and prosperity and the peace and quiet of the Town of Camden and its inhabitants. It is further found and declared that the foregoing provisions and prohibitions are necessary in order to curb juvenile delinquency and nocturnal crime resulting from the activity of minors in the community. The prohibition on activities by minors on the streets of the Town of Camden during the hours of curfew as declared by this Ordinance reflect the increased frequency of nocturnal crimes by minors during those hours and the potential for disruption of the community and danger to both the inhabitants of the Town of Camden and to minors resulting from congregations of minors on the streets of the Town of Camden during the hours which curfew is established herein. It is also recognized that those with parental authority should be responsible for the whereabouts of their children.

It is expressly declared that this Ordinance shall repeal and supercede any existing Curfew Ordinance of the Town of Camden.

Section 3

It shall be unlawful for any person who has not attained the age of thirteen (13) to remain in or upon the streets within the Town of Camden at night from a period beginning at 10:00 p.m. of one day and ending at 6:00 a.m. of the following day except where such activity is permissible activity as set forth in Section 4 of this Ordinance or constitutes activity fitting within one of the exceptions in Section 5 of this Ordinance. It shall be unlawful for any person who is more than twelve (12) years old (that is, thirteen (13) years of age and above) but less than eighteen (18) years old to remain in or upon the streets within the Town of Camden at night during the period beginning at 11:00 p.m. and ending at 6:00 a.m. on the following day except where such activity is permissible activity as set forth in Section 4 of this Ordinance or constitutes activity fitting within one of the exceptions in Section 5 of this Ordinance.

Section 4 Permissible Activity

In the following exceptional cases a minor remaining on a street of the Town of Camden during the hours for which such activity is proscribed by Section 3 above shall not be deemed to violate the prohibitions of Section 3:

- (a) When that minor is accompanied by a parent, legal guardian, or other person with legal custody of that minor.
- (b) When that minor is accompanied by a person at least twenty-one (21) years of age who is authorized by parent, legal guardian, or other person with legal custody of that minor to accompany or escort that minor to a designated location.

Section 5 Exceptions

The following types of activity and conduct during the hours for which it is unlawful for a minor to remain on the streets of the Town shall not be deemed to constitute unlawful activity within the meaning of Section 3 upon submission by the party charged with a violation of Section 3 or any portion of this Ordinance of convincing evidence that said minor falls within one of the exceptions contained in Section 5 of this Ordinance and that all requirements for qualification for any exception contained in said Section 5 have been met.

(a) The exercise by a minor of first amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly.

(b) In instances of reasonable necessity, a minor may remain on the streets of the Town of Camden during the proscribed period; but such activity shall be lawful only in the event that such minor's parent, legal guardian, or other person in lawful custody has communicated to the Chief of Police of the Town of Camden in advance of said activity the facts establishing the reasonable necessity for that activity which communication shall describe the activity of the minor, the specified street or streets on which that activity shall occur, the designated time for that activity, the described purpose of the activity including both points of origin and destination. Such communication of reasonable necessity shall be in writing if practicable and submitted twenty-four (24) hours in advance of the instance of such activity by a minor which constitutes a claim of reasonable necessity. If written communication of such reasonable necessity is not practicable, then said communication shall be made by the appropriate person to the Chief of Police or to a police officer of the Town of Camden if the said Chief is not available as soon as the facts supporting reasonable necessity are known. The police officer receiving said communication shall make a report describing the minor, the fact of reasonable necessity and the date, time and location of the activity under this exception.

(c) That a minor shall be permitted to remain on a sidewalk which abuts that minor's place of residence but only if such activity is located reasonably within the vicinity of that minor's residence.

(d) A minor shall be permitted to return home by a reason direct route from a school activity, municipally sponsored activity, activity of a religious organization, or activity of a hospital so long as the return trip does not continue more than thirty (30) minutes after the foregoing events. In aid of the enforcement of this Ordinance, organizers of any school activity, municipally sponsored events, or activities of religious organizations and hospital organizations shall be requested to provide the Chief of Police with notice in writing of the place and probable time of termination of any such events. In the absence of any such prior notice any minor or parent, legal guardian, or other person in custody of that minor who claims that the activity of the minor constitutes returning from home within the meaning of this subsection must furnish evidence of conformity of that minor's activity with this Subsection including but not limited to the place and time of termination of the event from which the minor was returning.

(e) A minor whose employment requires him to remain on the streets of the Town of Camden during the prohibited time period shall not be deemed in violation of this Ordinance so long as that minor carries with him for presentation to a police officer a card of employment which identifies the minor, the address of the minor's home, and his place of employment, and the hours of employment. That card should be signed by the Chief of Police and that card shall expire within ninety (90) days after the date of that signature. Cards of employment shall be renewable upon application to the Chief of Police and issuance and renewal shall be subject to determination by the Chief of Police that the applicant is employed in that position.

(f) When necessary recurring night time activities of a minor may be inadequately protected by other provisions of this Ordinance, then the Town Manager may issue a special permit for such night time activities as the circumstances warrant. Upon authorization by such special permit, the minor so authorized shall carry that permit on his person when engaged in night time activities. Application for such night time activities shall be in writing, signed by the minor and parent, legal guardian or other person with custody of the minor and that written application shall state;

(1) The name, age and address of such minor;

(2) The name, address and telephone number of the parent, legal guardian or person with the custody thereof;

(3) The height, weight, sex, color of eyes and hair and other distinguishing characteristics of such minor;

(4) The reason which requires such minor to remain upon the streets during curfew hours otherwise applicable; and,

(5) The street or route on which the activity shall occur and the period of time which the activity will encompass including the beginning and ending of the period by date and hour. The Town Manager may grant such a special permit in writing upon receipt of information to the satisfaction of the Town Manager that a compelling reason requires the minor to remain upon the streets during the curfew hours otherwise applicable.

In an emergency which precludes application in writing for such special permit, the Town Manager may, in his discretion, issue such a permit after receipt of request for that permit orally, by telephone or otherwise, subject to the condition that the Town Manager shall make a corresponding record in writing of the request for the issuance of the permit which record shall contain the same information as required for a written application. If the Town Manager is unavailable to receive such a request or to issue such a permit, the Chief of Police shall be authorized to act on behalf of the Town Manager to issue that permit.

Section 6 Parental Responsibility

It shall be unlawful for a parent, legal guardian, or any other person having legal custody of a minor to permit or by inefficient control to allow a minor to remain upon any streets of the Town of Camden as prohibited in Section 3 of this Ordinance unless that activity constitutes permitted activity under Section 4 or activity within an exception of Section 5 of this Ordinance if such parent, legal guardian or person having legal custody of a minor knows or should have known that said minor was acting in violation of this Ordinance. The term "know or should have known" includes knowledge which a parent, legal guardian or person with legal custody should reasonably be expected to have concerning the whereabouts of a minor in that person's legal custody. It is the expressed intention of this Section that a reasonable community standard of parental responsibility be applied to the conduct of a parent charged with a violation of this Section to determine whether that person in legal custody of a minor is violating this Section.

Section 7

A policeman who has reason to believe that a minor is in violation of Section 3 of this Ordinance shall transport that minor to the Camden Police Station and shall thereupon notify the parent, legal guardian or other person in legal custody of that minor that the minor has been brought to the police station. The person with legal custody of the minor shall be asked to pick up the minor at the police station.

(a) In determining the age of a minor on a street of the Town of Camden, the police officer shall use

his best judgment in determining that age.

(b) The police officer shall within twenty-four (24) hours of the time of an incident involving a minor in violation of the Ordinance file a written report with the Chief of Police concerning the violation together with the name of the minor, name of the person with legal custody of the minor, date, time and place of the violation.

(c) The police officer shall release the minor to the parent, legal guardian or other person with legal custody of the minor as soon as the parents report the appropriate information. In the event that the appropriate person with legal custody cannot be located, or fails to take charge of the minor, then the minor shall be released to the appropriate juvenile authorities.

(d) In the event of a first violation by a minor under Section 3, the Chief of Police shall send a written notice of said violation to the parent, legal guardian or other person with custody of the minor with a warning that any subsequent violation may result in imposition of the penalties contained in Section 8 herein. This notice of first violation shall be sent by certified mail.

Section 8 Penalties

The following penalties shall be imposed after a second or any subsequent violation of the Ordinance:

(a) In the event that a minor commits a second violation of the Ordinance and in the event that a warning notice pursuant to Section 7 above of the first violation by a minor had been sent to the parent, legal guardian or other person with legal custody of the minor, that person shall be fined Twenty-Five Dollars (\$25.00). That person shall be fined an additional Twenty-Five Dollars (\$25.00) for each subsequent offense after the second offense by the minor (the fine for each offense thereafter shall be Fifty Dollars (\$50.00) for the second offense of the parent, Seventy-Five Dollars (\$75.00) for the third offense of the parent, and increased by an additional Twenty-Five Dollars (\$25.00) for each offense of the parent thereafter). The second offense of the minor shall then be considered the first offense of the parent in the event that the parent has been given the appropriate notice. Upon finding that the parent, legal guardian or other person in legal custody of the minor is guilty, the District Court Judge shall sentence that person to pay such fine and the cost of prosecution, and upon refusal of such person to pay that fine and cost the Judge may order that person to be imprisoned in the Knox County Jail for a period not exceeding ten (10) days.

(c) Any minor that shall violate any of the provisions of this Ordinance more than three (3) times shall be reported by the Chief of Police to the appropriate juvenile authorities and proceedings shall be taken before the Juvenile Court for the treatment, supervision and rehabilitation of such minor.

Section 9 Definitions

As used in this Ordinance, unless the context otherwise clearly indicates, the words and phrases used in this Ordinance are defined as follows:

(a) Town shall mean the Town of Camden

(b) Minor shall mean any person who has not attained the age of eighteen (18); that is, any person seventeen (17) years of age or under.

(c) Parent is any person having legal custody of a minor (1) as a natural or adoptive parent, (2) as a

legal guardian, and (3) any other person who has the legal custody of the minor.

(d)The term remain as used in this Ordinance shall mean to stay behind, to tarry and to stay unnecessarily upon the streets of The Town of Camden including congregating of minors in groups in which any minor involved would not be using the streets for ordinary or serious purposes such as mere passage or going home.

(e)The term street shall mean a way or place, of whatsoever nature, open to the use of the public for purposes of vehicular traffic or in the case of sidewalks for pedestrian traffic. The term street includes the right-of-way including traffic lanes, the curb, and sidewalks whether paved or unpaved, any grass plots or other grounds found within the right-of-way of a street.

(f)Chief of Police shall mean Chief of Police of the Town of Camden.

(g)Town Manager shall mean Town Manager of the Town of Camden.

(h)Recurring night time activities shall mean activity of a minor that occurs on more than two (2) nights during any one month period.

Section 10

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

Section 11

To assist minors and other interested parties in recognizing the curfew hours, the Town curfew horn shall blow at 9:45 each evening.

Historical Note: Adopted August 29, 1961

State Law Reference: 30 MRSA, Sec. 1917, Sec. 2151

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

PART I-D VICTUALERS LICENSE ORDINANCE

Section 1 - Preamble

The Town of Camden hereby adopts the following Victualer's License Ordinance in order to regulate the sale of food or drink prepared for consumption on the premises by the public. The purpose of this Ordinance is also to protect the welfare, safety and health of the citizens of the Town of Camden and other members of the public who purchase food or drink in the Town.

Section 2 - Authority

This Ordinance is enacted pursuant to, and in accordance with, the provisions of Title 30-A M.R.S.A., Section 3812, Section 3813 and the Home Rule Authority granted to the Town in accordance with the provisions of Title 30-A M.R.S.A., Section 3001. This Ordinance is intended to implement the provisions of Title 30-A, Section 3801 through Section 3823 concerning regulations regarding Victualer's Licenses in the Town of Camden.

Section 3 - Definitions.

3.1 Licensing Board- The municipal officers of the Town.

3.2 License- A License issued pursuant to this Ordinance.

3.3 Licensee- Any person who maintains an unexpired License pursuant to this Ordinance.

3.4 Innkeeper- Any person who keeps an inn, hotel or motel, or other lodging establishment to provide lodging to travelers and others for compensation.

3.5 Person- Any individual, person, firm, corporation, association, partnership or organization.

3.6 Victualer- Any person who serves food or drink prepared for consumption on the premises by the public.

Any term or word in this Ordinance which is not defined in this section shall have a meaning consistent with the provisions of Title 30-A M.R.S.A., Section 3801 through Section 3823.

Section 4 - License Required

No person may operate as an innkeeper, victualer, or tavern keeper without a License issued hereunder.

Section 5.0- Applications

Every person required to procure a License under the provisions of this Ordinance shall submit an application for such License to the Municipal Officers or their designated agent.

5.1 Form

Each application shall be in a form prescribed by the Licensing Board.

5.2 Contents

The application for a Victualer's License shall set forth the following information:

- (a) the name, address and telephone number of the applicant;
- (b) the type of food or drink prepared for consumption on the premises by the public, the location of the premises and a brief description of the food and drink services offered by the applicant at that premises;
- (c) any additional information, including information concerning the approval criteria set forth below, the Licensing Board shall find reasonably necessary to a determination whether a License should issue.

5.3 Approval Process

The Licensing Board shall, within 20 days of receiving a License application, notify the applicant whether the application is complete. If the application is determined to be incomplete, the Licensing Board shall notify the applicant in writing of the specific information necessary to complete it. It shall be the responsibility of the applicant to provide any additional information or documents requested by the Licensing Board. Within 20 days after the application is determined to be complete, the Licensing Board shall decide whether or not to issue a License.

5.4 Criteria for Issuance of a License

The Licensing Board shall, within 40 days of receiving a license application which is considered complete, issue a License to any applicant who demonstrates good moral character and who meets the following requirements:

- (1) The applicant has not been convicted of a crime in the State of Maine or in any other jurisdiction which is punishable by one year or more imprisonment or for any other crime committed with the use of a dangerous weapon or of an offense involving the use of a firearm against another person within five (5) years of the date of application.
- (2) There is no formal charging instrument now pending against the applicant in the State of Maine or any other jurisdiction for a crime which is punishable by one year or more of imprisonment or for any other crime allegedly committed by the applicant with the use of a dangerous weapon or of an offense involving use of a firearm against another person.
- (3) The applicant has not been adjudicated to be an incapacitated person pursuant to State Law or, if such adjudication has occurred, that designation has been removed by order under Title 18-M.R.S.A., Section 5-307 (b).
- (4) The applicant has not been dishonorably discharged from the military forces within the past five (5) years.
- (5) The applicant is not an illegal alien.
- (6) The applicant has not had three or more convictions for crimes punishable by less than one year imprisonment within five (5) years of the date of the application.
- (7) The applicant has not been adjudicated as having committed a juvenile offense pursuant to the laws of the State of Maine or any jurisdiction within five (5) years of the date of application.

(8) The applicant shall submit a copy of a current license issued by the Department of Human Services of the State of Maine for the provision of food or drink prepared for consumption on the premises by the public. In the event that the applicant has not received such a License, the Licensing Board is authorized to issue a Conditional License contingent upon submission of satisfactory proof of a current License from the Department of Human Services within 90 days of the date of issuance of the Conditional License.

(9) All applicants shall submit satisfactory proof that the applicant's premises is connected to the public sewer or that the premises utilizes an approved septic disposal system in conformity with applicable State and local laws, ordinances and regulations.

(10) The applicant shall demonstrate to the Licensing Board that the applicant has adequate provision for storage and disposal of waste and garbage generated on the applicant's premises. Containers for the storage of garbage shall be covered. Such containers shall be located in a separate room or, if stored outside the applicant's premises, those containers shall be stored on a concrete or macadam base, or on a surface which is readily washable. Any containers located outside the applicant's premises shall have an enclosure around the containers which is no less than three (3) feet in height in order to prevent entrance by dogs and other animals.

(11) All applicants operating establishments which cook food on the premises shall have a vent from the cooking area to the outside of the applicant's premises. The location of that vent shall not cause an unreasonable nuisance to any abutting property owner or to the public in consequence of fumes, grease, odor, smoke or noise.

(12) With the license application, the applicant shall sign an authorization permitting the Fire Chief or designated agent to inspect the establishment that is the subject of the application. Prior to issuance of said license, the applicant shall meet the criteria of the Life Safety Code as referenced in the Camden Fire Protection and Prevention Ordinance.

5.5 License Renewal Period

The criteria for a License renewal shall be the same criteria set forth in Section 5.4 for the issuance of the initial license.

5.6 Conditional License

In the event that an applicant is unable to meet the criteria of Section 5.4 (8) through (12) prior to the date of consideration of the License by the Licensing Board, the Licensing Board shall have authority to issue a Conditional License contingent upon submission of satisfactory proof of compliance with those criteria within (90) days of issuance of the Conditional License.

Section 6 - Licensee's Duty to Update

It shall be the responsibility of every licensee who experiences changed circumstances material to the License to notify the Licensing Board of those changed circumstances within ten (10) days of any such change. It shall be the responsibility of every Licensee to conform to the approval criteria set forth in Section 5.4 during the term of the License.

Section 7 - Fees

The annual fee for a new License or renewal of a License shall be \$20.00. The fee shall be paid to the Town of Camden at the time the application is submitted, and that fee is non-refundable.

Section 8 - Posting of License

Any License issued hereunder shall be posted in a conspicuous area on the licensed premises.

Section 9 - License Expiration

All Licenses issued under this Ordinance shall expire one year after the date of issuance, unless revoked or suspended prior to expiration in accordance with the provisions of Section 13.0 of this Ordinance.

Section 10 - Exemption

Notwithstanding the provisions of Section 4.0 of this Ordinance, any non-profit organization, for charitable causes, shall be exempt from the requirements of this Ordinance, except as otherwise stated in this Subsection, to the extent that such organization offers food or drink for consumption by the public, for charitable causes, on no more than twelve (12) occasions during each license year. For non-profit organizations within the meaning of this exemption, the License fee shall be \$1.00 for the license year, and the Licensing Board shall issue a License upon submission of certification from the non-profit applicant that the applicant meets the criteria of Section 5.4 (1) through (7) of this Ordinance.

Section 11 - Inspection

The Code Enforcement Officer shall be granted access to any Licensed Premises, upon twenty-four (24) hours prior written notice delivered to the Licensee, or to any person operating a premises subject to this Ordinance, for purposes of inspecting the premises to ensure compliance with this Ordinance.

Section 12 - Non-Transferable License

Any License issued hereunder shall not be transferable. Any person subject to this Ordinance must obtain the License required by the Department of Human Services of the State of Maine, which is also not transferable.

Section 13 - Revocation or Suspension of License, Hearing

13.1 Applicability. This Section applies to all Licenses issued pursuant to this Ordinance.

13.2 Revocation or Suspension of License. The Licensing Board shall enforce this Ordinance and shall prosecute all offenders. The Licensing Board may revoke or suspend a License for any period of time that it considers proper and for any cause it considers satisfactory including, but not limited to:

- (a) violation of this Ordinance, or non-compliance with the requirements of Section 5.4;
- (b) violation of any License conditions; or
- (c) falsehoods, misrepresentations, or omissions in the License application.

13.3 Hearing.

A License may not be revoked or suspended under this Ordinance until after an investigation and hearing have been conducted. The Licensing Board shall serve notice of the hearing on the Licensee personally or by certified mail at least three (3) days before the time set for hearing, and shall conduct the hearing. At any hearing held pursuant to this Section, the Licensee must be given an opportunity to:

- (a) hear the evidence in support of the charge against the Licensee and to cross-examine alone or through counsel, the witnesses; and
- (b) be heard in the Licensee's own defense.

Section 14 - Appeal

An aggrieved party may appeal any decision of the Licensing Board to issue a License, deny a License, or revoke or suspend a License to the Superior Court within 30 days of the date of the written decision. In all

instances, the Licensing Board shall issue a written decision, and such decision shall be sent to the applicant or Licensee.

Section 15 - License Conditions; Scope of License

The Licensing Board shall have the authority to issue a License subject to reasonable conditions. Any License issued by the Licensing Board must specify the building or buildings in which the business of the licensed premises will be conducted.

Section 16 - License Applications, Renewal Licenses, and Meetings of the Licensing Board

Every person subject to the licensing requirements of this Ordinance shall apply annually prior to April 15, for a license or license renewal from the municipal officers as the Licensing Board. The Licensing Board shall meet annually during the month of May on a date, time and place as determined by the Licensing Board. At least seven days before the meeting, the Licensing Board must post notices of the meeting, stating the purpose of the meeting in at least two places in the Town of Camden. For applications for new Licenses or renewals submitted more than thirty (30) days before or thirty (30) days after April 15 of each year, the Licensing Board may consider those licenses at a time different than the annual meeting of the Licensing Board during the month of May. The Licensing Board may meet at any other time at a meeting specially called and with public notice, as provided above.

Section 17 - Penalties

Any person who violates the provisions of this Ordinance or fails to seek a License renewal which is required by this Ordinance shall commit a civil violation from which a penalty of \$50.00 may be adjudged, upon a complaint by the municipality to the District Court or the Superior Court. Each day of continued violation shall constitute a separate offense which subjects the violator to a penalty of \$50.00 for each day of violation.

Section 18 - Severability

The provisions of this Ordinance shall be severable. If any portion of this Ordinance is held to be invalid, the remainder of this Ordinance and its application thereof shall not be affected.

Section 19 - Other Laws and Ordinances

In addition to compliance with this Ordinance, the applicant or any person subject to this Ordinance must also comply with all other federal, state and local laws and ordinances concerning the Licensed Premises, specifically including the Zoning Ordinance of the Town of Camden. The issuance of a License pursuant to this Ordinance does not constitute any approval within the meaning of the Zoning Ordinance of the Town of Camden. In addition to penalties set forth in Section 17.0, a person who violates this Ordinance shall be subject to the remedies set forth in Title 30-A M.R.S.A., Section 4452 (C), (C-1) and (D)

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

**PART I-E
LODGING ESTABLISHMENT LICENSING ORDINANCE**

Section 1 - Preamble

The Town of Camden hereby adopts the following Lodging Establishment Licensing Ordinance to provide for the orderly enforcement of regulations, limitations, restrictions and other requirements relating to the operation of Lodging Establishments.

Section 2 - Authority. This Ordinance is enacted pursuant to and in accordance with, the provisions of Title 30-A M.R.S.A., Section 3811 (1) and the Home Rule Authority granted to the Town in accordance with the provisions of Title 30-A M.R.S.A., Section 3001.

Section 3 - Definitions.

3.1 Lodging Establishment- An overnight accommodation with sleeping arrangements provided for a fee which is considered, for purposes of this Ordinance, to be either an inn or a hotel/motel, as defined below:

Inn- A type of lodging based in the permanent dwelling of the person or family acting as proprietor and that lodging accommodates, for a fee, travelers and other transient guests who are staying for a limited duration. An inn (1) has ten or fewer sleeping rooms offered for rent; (2) does not provide full service dining, but may serve breakfast and/ or an afternoon snack to guests only; and (3) may be allowed to host up to eight special functions per year, including the serving of meals to such gatherings, provided that written notification is provided to the Code Enforcement Officer and the parking for such functions is provided on-site or through other off-street arrangements.

Hotel/Motel- A commercial building or group of buildings built or converted to accommodate, for a fee, travelers and other transient guests. A hotel or motel facility may include restaurant facilities where food is prepared and meals served only to its overnight guests.

3.2 Licensing Board- The municipal officers of the Town.

3.3 License- A license issued pursuant to this Ordinance.

3.4 Licensee- Any person who maintains an unexpired license pursuant to this Ordinance.

3.5 Operator- Any person who operates a Lodging Establishment.

3.6 Person- Any individual, person, firm, corporation, association, partnership, or organization.

Section 4 - License required

No person may operate a Lodging Establishment without a License issued hereunder. No person shall operate a Lodging Establishment with more rental rooms than set forth in a License issued hereunder.

Section 5 - Applications

Every person required to procure a License under the provisions of this Ordinance shall submit an application for such License to the Municipal Officers or their designated agent.

5.1 Form- Each application shall be in a form prescribed by the Licensing Board.

5.2 Contents- The application for a Lodging Establishment License shall set forth the following information.

- (a) the name, address, and telephone number of the applicant
- (b) the number of rooms available for rent to the public; and floor plan of the establishment;
- (c) any additional information the Licensing Board shall find reasonably necessary to a determination as to whether a License should issue.

5.3 Approval process. The Licensing Board shall, within 20 days of receiving a License application, notify the applicant whether the application is complete. If the application is determined to be incomplete, the Licensing Board shall notify the applicant in writing of the specific information necessary to complete it. It shall be the responsibility of the applicant to provide information that documents the authorized capacity of the Lodging Establishment. Within 20 days after the application is determined to be complete, the Licensing Board shall decide whether or not to issue a license.

5.4 Criteria for issuance of License. The Licensing Board shall within forty (40) days of receiving a license application which is considered complete, issue a license to any operator who demonstrates good moral character and who meets the following requirements:

- (1) The operator has not been convicted of a crime in the State of Maine or in any other jurisdiction which is punishable by one year or more imprisonment or for any other crime committed with the use of a dangerous weapon or of an offense involving the use of a firearm against another person within five (5) years of the date of application.
- (2) There is no formal charging instrument now pending against the operator in the State of Maine or any other jurisdiction for a crime which is punishable by one year or more of imprisonment or for any other crime allegedly committed by the operator with the use of a dangerous weapon or of an offense involving use of a firearm against another person.
- (3) The operator has not been adjudicated to be an incapacitated person pursuant to State law or, if such adjudication has occurred, that designation has been removed by order under Title 18-A M.R.S.A., Section 5-307 (b).
- (4) The operator has not been dishonorably discharged from the military forces within the past five (5) years.
- (5) The operator is not an illegal alien.
- (6) The operator has not had three or more convictions for crimes punishable by less than one year imprisonment within five (5) years of the date of the application.
- (7) The operator has not been adjudicated as having committed a juvenile offense pursuant to the laws of the State of Maine or any other jurisdiction within five (5) years of the date of application.
- (8) With the license application, the operator shall sign an authorization permitting the Code

Enforcement Officer to inspect the Lodging Establishment. Prior to issuance of a License, the Code Enforcement Officer shall notify the Licensing Board by an appropriate signed notation on the application form that the Code Enforcement Officer concludes, that the Lodging Establishment complies with the Zoning Ordinance of the Town of Camden. Under no circumstances shall the Code Enforcement Officer's conclusions based upon an inspection be considered any official determination by the Code Enforcement Officer that the operator complies with the Zoning Ordinance of the Town of Camden for purposes of the administration or enforcement of that Zoning Ordinance.

(9) With the license application, the applicant shall sign an authorization permitting the Fire Chief or designated agent to inspect the establishment that is the subject of the application. Prior to issuance of said license, the applicant shall meet the criteria of the Life Safety Code as referenced in the Camden Fire Protection and Prevention Ordinance.

5.5 Existing Lodging Establishments. All operators of existing Lodging Establishments shall apply for a License pursuant to this Ordinance within 120 days of the effective date of this Ordinance.

5.6 License renewal. The criteria for a license renewal shall be the same criteria set forth in Section 5.4 for the issuance of the initial license.

5.7 Conditional License. In the event that the inspections of the Code Enforcement Officer or the Fire Chief as required in Section 5.4 do not occur prior to the Licensing Board's meeting to consider the License, the Licensing Board shall have the authority to issue a Conditional License contingent upon satisfactory inspections within 120 days of the date of issuance of the Conditional License

Section 6 - Licensee's duty to update

It shall be the responsibility of every Licensee who intends to increase the number of rooms rented to the public during the term of an unexpired License to file an application for said increase with the Licensing Board no later than 30 days prior to offering the additional room(s) for rent. If the increase in rooms to be offered for rent results in an increase in fee categories outlined in Section 7.0 of this Ordinance, then the Licensee shall also submit a pro rata share of the additional fees required under that Section. No reimbursement shall be provided when the number of rooms available for rent is reduced during the term of any unexpired License. It shall be the responsibility of every Licensee to continue to conform to the approval criteria set forth in Section 5.4 during the term of the License and the Licensee shall report any change of circumstances pertinent to the approval criteria during the term of the License within ten (10) days of any such change of circumstances.

Section 7 - Fees

The applicant shall pay at the time of filing an application for a License a fee according to the following schedule:

<u>Number of Bedrooms</u>	<u>Fee</u>
1	\$10.00
2 or more	\$10.00 + 1.00 for each bedroom in excess on one bedroom

Section 8.0- Posting of License

Any License issued hereunder shall be posted in the lobby area of the Lodging Establishment.

Section 9.0- License expiration

All licenses issued under this Ordinance shall expire one year after the date of issuance unless revoked or suspended prior to expiration in accordance with the provisions of Section 12.0 of this Ordinance.

Section 10.0- Inspection

10.1 Right of access. The Code Enforcement Officer shall be granted access to any Lodging Establishment,

upon twenty-four (24) hours prior written notice delivered to the Operator or Licensee of said establishment, for purposes of inspecting the premises to ensure compliance with this Ordinance.

10.2 Guest registration records. The Code Enforcement Officer shall be provided access to guest registration records maintained by the Operator or Licensee for the purpose of determining the number of rooms being rented to the public as required by Title 30-A, Section 3821, M.R.S.A.

Section 11.0- Transferability

Any License issued hereunder shall be transferable upon submission of written certifications by the Code Enforcement Officer and the Fire Chief as required by Section 5.4 of the Ordinance and so long as the subsequent operator meets the other criteria set forth in Section 5.4 of the Ordinance. Written notice of transfer demonstrating compliance with those requirements shall be submitted to the Licensing Board.

Section 12.0- Revocation or Suspension of License, Hearing

12.1 Applicability. This section applies to all Licenses issued pursuant to this Ordinance.

12.2 Revocation or suspension of License. The Licensing Board shall enforce this Ordinance and shall prosecute all offenders.

The Licensing Board may revoke or suspend a License for any period of time that it considers proper and for any cause it considers proper and for any cause it considers satisfactory including, but not limited to:

- (a) violation of this Ordinance, or non-compliance with the requirements of Section 5.4; or
- (b) violation of any License conditions; or
- (c) violation of the Zoning Ordinance of the Town of Camden; or
- (d) falsehoods, misrepresentations or omissions in the License application; or
- (e) violation of the Fire Code or violation of the safety regulations established by the Fire Chief.

12.3 Hearing. A License may not be revoked or suspended under this Ordinance until after an investigation and hearing have been conducted. The Licensing Board shall serve notice of the hearing on the Licensee personally or by certified mail at least three (3) days before the time set for hearing, and shall conduct the hearing. At any hearing held pursuant to this Section, the Licensee must be given an opportunity to:

- (a) hear the evidence in support of the charge against the Licensee and to cross-examine alone or through counsel, the witnesses; and
- (b) be heard in the Licensee's own defense.

Section 13 - Appeal

An aggrieved party may appeal any decision of the Licensing Board to issue a License, deny a License, or revoke a License or suspend a License to the Superior Court within 30 days of the date of the written decision. In all instances, the Licensing Board shall issue a written decision and such decision shall be sent to the applicant or the Licensee.

Section 14 - License Conditions; Scope of License

The Licensing Board shall have the authority to issue a License subject to reasonable conditions. Any License

issued by the Licensing Board must specify the building or buildings in which the business of the Lodging Establishment will be conducted.

Section 15 - License Applications, renewal licenses, and meetings of the Licensing Board

Except for operators of existing Lodging Establishments within the meaning of Section 5.5, every operator of a Lodging Establishment shall apply annually prior to April 15, for a License or a License renewal from the municipal officers as the Licensing Board. The Licensing Board shall meet annually during the month of May on a date, time and place as determined by the Licensing Board. At least seven days before the meeting, the Licensing Board must post notices of the meeting stating the purpose of the meeting in at least two places in the Town of Camden. For applications for new Licenses or renewals submitted more than thirty (30) days before or thirty (30) days after April 15 of each year, the Licensing Board may consider those Licenses at a time different than the annual meeting of the Licensing Board during the month of May. The Licensing Board may meet at any other time at a meeting specially called and with public notice as provided above.

Section 16 - Penalties

Any person who violates the provisions of this Ordinance or fails to seek a License renewal which is required by this Ordinance shall commit a civil violation from which a penalty of \$50.00 may be adjudged, upon a complaint by the municipality to the District Court or the Superior Court. Each day of continued violation shall constitute a separate offense which subjects the violator to a penalty of \$50.00 for each day of violation.

Section 17 - Severability

The provisions of this Ordinance shall be severable. If any portion of this Ordinance is held to be invalid, the remainder of this Ordinance and its application thereof shall not be affected.

Section 18 - Other Laws and Ordinances

In addition to compliance with this Ordinance, the operator or any person subject to this Ordinance, must also comply with all other federal, state and local laws and ordinances concerning the Lodging Establishment, specifically including the Zoning Ordinance of the Town of Camden. The issuance of a License pursuant to this Ordinance does not constitute any approval within the meaning of the Zoning Ordinance of the Town of Camden. In addition to penalties set forth in Section 16.0, a person who violates this Ordinance shall be subject to the remedies set forth in Title 30-A M.R.S.A., Section 4452 (c), (c-1) and (D).

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

Part II-A Amusement Permits

Rules and Regulations Governing the Issuance, Suspension and
Revocation of
Special Amusement Permits for The Town of Camden

ARTICLE I

Section 1 Title

These Rules and Regulations shall be known and may be cited as Special Amusement Rules and Regulations of the Town of Camden, Maine. These Rules and Regulations are codified pursuant to Title 28, MRSA Sec. 702 and an Ordinance duly enacted by the Town of Camden at a regularly constituted Town meeting on the 13th day of March, 1978.

Section 2 Purpose

The purpose of these Rules and Regulations is to control the issuance of special permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor as required by Title 28, MRSA Sec. 702.

Section 3 Definitions

(a)Entertainment. For the purposes of these Rules and Regulations, "entertainment" shall include any amusement, performance, exhibition or diversion for patrons or customers of licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

(b)Licensee. For purposes of these Rules and Regulations, "licensee" shall include the holder of a license issued under the Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation, or other legal entity, or any agent, or employee of any such licensee.

(c)Tumultuous Conduct. For purposes of these Rules and Regulations, tumultuous conduct shall be defined as conduct of such nature and magnitude as to require or to cause the involvement of the police department of the Town of Camden or the involvement of other law enforcement authorities.

(d)Unnecessary Noise. For purposes of these Rules and Regulations, unnecessary noise shall constitute noise of such a level and duration that said noise is both clearly audible outside the premises for which a permit has been issued and sufficiently irritating to disturb the residents in the neighborhood where this establishment is located.

ARTICLE II General

Section 1 Permit Required

No licensee for the sale of liquor to be consumed on a licensed premises shall permit, on a licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the municipality in which the licensed premises are situated a special

amusement permit signed by at least a majority of the municipal officers.

With the license application, the applicant shall sign an authorization permitting the Fire Chief or designated agent to inspect the establishment that is the subject of the application. Prior to issuance of said license, the applicant shall meet the criteria of the Life Safety Code as referenced in the Camden Fire Protection and Prevention Ordinance.

Applications for all special amusement permits shall be made in writing to the municipal officers and shall state the name of the applicant; his residence and address; the name of the business to be conducted; his business address; the nature of his business and type of entertainment; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances; and any additional information as may be needed by the municipal officers in the issuing of the permit, including but not limited to a copy of the applicant's current liquor license.

No permit shall be issued for any thing, or act, or premises, if the premises and building to be used for the purposes do not fully comply with all ordinances, articles, by-laws, or rules and regulations of the municipality.

The fee for a special amusement permit shall be \$20.00

The municipal officers shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing within 15 days of the date that the request was received, at which the testimony of the applicant and that of any interested members of the public shall be taken.

The municipal officers shall grant a permit unless they find that the issuance of the permit would be detrimental to the public health, safety or welfare, or would violate municipal ordinances, or rules and regulations, articles or by-laws.

A permit shall be valid only for the license year of the applicant's existing liquor license.

(a)Public notice of the date of the hearing shall be published in a newspaper of general local circulation no less than seven days prior to the date of the hearing on this matter.

(b)The municipal officers shall be governed by the standards of Article II, Section 4 in the issuance, revocation, or suspension of a permit hereunder.

Section 2 Inspections

Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a special amusement permit are provided for or required by ordinances or State law, or are reasonably necessary to secure compliance with any ordinance provision, State law, or municipal rules and regulations, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the municipality authorized to make the inspection at any reasonable time that admission is requested.

Whenever an analysis of any commodity of material is reasonably necessary to secure conformance with any ordinance provision or State law, it shall be the duty of the licensee, or the person in charge of the premises, to give to any authorized officer, official, or employee of the municipality requesting the same sufficient samples of the material or commodity for analysis.

In addition to any other penalty which may be provided, the municipal officers may revoke the special amusement permit of any licensee in the municipality who refuses to permit any such officer, official, or employee to make an inspection or take sufficient samples for analysis, or who interferes with such officer, official or employee while in the performance of his duty. Provided, that no license or special amusement permit shall be revoked unless written demand for the inspection or sample is made upon the licensee or person in charge of the premises seven days prior to the time it is sought to make the inspection.

Section 3 Suspension or Revocation of a Permit

The municipal officers may, after a public hearing preceded by written public notice to interested parties, suspend, or revoke any special amusement permits which have been issued under these Rules and Regulations on the grounds that the music, dancing, or entertainment so permitted constitutes a detriment to the public health, safety, or welfare, or violates any municipal ordinances, articles, by-laws or rules and regulations.

(Public notice to interested parties shall consist of notice published in a local newspaper of general circulation at least seven days prior to the date of the hearing.)

Section 4 Standards

The municipal officers hereby adopt the following standards for the issuance of a special amusement permit and for the suspension or revocation of such permits.

- (1) Hours of operation. The permitted activities under a special amusement permit shall cease no later than 11:00 p.m. in a residential zone as defined by the Zoning Ordinances of the Town of Camden except that permitted activities shall cease no later than 12:00 midnight in a residential zone on New Year's Eve; and no later than 12:30 a.m. in a commercial zone as defined by the Zoning Ordinances of the Town of Camden except that permitted activities shall cease no later than 1:30 a.m. in a commercial zone on New Year's Eve. It shall be deemed detrimental to the public safety or welfare for entertainment of the type requiring special amusement permit to occur between the hours of 11:00 p.m. and 6:30 a.m. (12:00 midnight -- 6:30 a.m. on New Year's Eve) in a Rural Zone as defined by Section IV, Article 1, in a Residential 2 Zone as defined by Section IV, Article 2, a Residential 1 Zone as defined by Section IV, Article 3, an Industrial Zone as defined by Section IV, Article 6, and in a Shoreland Zone as defined in Section IV, Article 7 of the Zoning Ordinances of the Town of Camden; and, 12:30 a.m. to 6:30 a.m. (1:30 a.m. -- 6:30 a.m. on New Year's Eve) in the following zones: Business Zone 2 as defined by Section IV, Article 4, Business Zone - Down Town - B-1 as defined by Section IV, Article 5, and Harbor and Business Zone as defined by Section IV, Article 8 of the Zoning Ordinances of the Town of Camden.
- (2) There shall be no amplified music in a residential zone under any circumstances. For purposes of these Rules and Regulations, "amplified music" shall include any amplification of sound produced by musical instruments for the provision of entertainment.
- (3) The facilities on a premises receiving a permit under the terms of these Rules and Regulations shall be adequate to assure the safety of all patrons of that establishment and shall comply with all State laws and ordinances regarding such an establishment.
(The seating capacity in all zones shall be subject only to the requirement of other State laws or municipal ordinances as to capacity.)

Section 5

Incidents of tumultuous conduct shall be grounds for the suspension or revocation of a permit following notice and hearing and subject to the procedures of Article II, Section 3 of these Rules and Regulations. The licensee of the permit hereunder shall not permit tumultuous conduct in his establishment at any time. Incidents or occurrences of tumultuous conduct as defined herein twice in one week or three times in one month shall be such conduct constituting grounds for suspension or revocation of the permit following

Notice and hearing and upon the finding of fact that the owner or manager of said establishment took no reasonable actions to abate this conduct shall be prima facie evidence of a condition detrimental to the public health, safety or welfare of the community.

(a) An instance of tumultuous conduct involving more than five people shall constitute riotous conduct. One such instance or occurrence of riotous conduct shall be such conduct constituting grounds for suspension or revocation of the permit following notice and hearing and upon a finding of fact that the owner or manager of said establishment took no reasonable actions to abate this conduct shall be prima facie evidence of a condition detrimental to the public health, safety or welfare of the community.

(b) Unnecessary noise as defined herein constitutes a detriment to the public health, safety or welfare. More than three (3) complaints of unnecessary noise reported to the Chief of Police within any year that a licensee has a permit may cause the municipal officers to consider revocation or suspension of the permit following notice of hearing to interested parties as prescribed herein. Following the hearing, the receipt of three (3) additional complaints by the Chief of Police may cause the municipal officers to call a further hearing to consider revocation or suspension of the permit following notice of hearing to interested parties as prescribed herein and any three (3) additional complaints after any hearing to consider revocation or suspension may cause the municipal officers to call a further hearing in the same manner as prescribed herein. Any outstanding complaints of unnecessary noise for a prior license year of a licensee with a Special Amusement permit shall not be considered after the beginning of a new license year of that licensee for purposes of determining the existence of more than three (3) complaints of unnecessary noise to reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare, or that the denial, revocation or suspension was arbitrary or capricious, or that the denial, revocation, or suspension was not based by a preponderance of the evidence on a violation of any ordinance, article, by-law, or rule or regulation of the municipality. (Amended--Special Town Meeting, December 28, 1978)

ARTICLE III Admission

A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee who has been issued a special amusement permit may charge admission in designated areas approved by the municipal special amusement permit.

ARTICLE IV Penalty

Section 1 Fine

Whoever violates any provision of this ordinance shall be punished by a fine of not more than fifty dollars (\$50.00) for the first offense and up to one hundred dollars (\$100.00) for each subsequent offense, to be recovered, on complaint, to the use of the Town of Camden.

ARTICLE V Separability

Section 1

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

ARTICLE VI Effective Date

Section 1

The effective date of these Rules and Regulations shall be July 1, 1978.

Historical Note: Adopted March 13, 1978, as amended December 28, 1978 and December 26, 1979;
November 4, 2008

State Law Reference: 28 MRSA, Sec. 702

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

**PART II-B Bottle Clubs
Ordinance for the Licensing of Bottle Clubs for the Town of Camden**

ARTICLE I

Section 1 Title

This Ordinance shall be known and may be cited as an Ordinance for the Licensing of Bottle Clubs in the Town of Camden, Maine. This Ordinance is codified pursuant to Title 30, Maine Revised Statutes, Sec. 2151(D) and pursuant to the general police power of the municipality.

Section 2 Purpose

The purpose of this Ordinance is to control the issuance of licenses for bottle clubs in the Town of Camden and to assess an adequate licensing fee sufficient to reimburse said Town for the increased municipal cost arising from the existence of bottle clubs including increased cost for municipal police services.

Section 3 Definitions

Unless otherwise defined herein or in the text, all words used will have their common meaning. The following words and phrases have the following definitions:

- (a) Bottle Club. A "bottle club" means any person operating on a regular basis a premises for social activities in which members or guests provide their own alcoholic beverages, and where no alcoholic beverages are sold on the premises. A bottle club is such a club which maintains quarters for the use of its patrons on a regular basis or charges an admission fee to patrons or to the general public. Drinking in a public place as defined in Title 17, MRSA, Sec. 2003 shall not be deemed drinking in a bottle club; and nothing contained herein shall contradict the prohibition contained in said Title 17, MRSA, Sec. 2003 concerning drinking in a public place.
- (b) Person. A "person" shall mean any individual, person, firm, corporation, association, partnership, or organization.
- (c) Officer. "Officer" shall mean any officer, director, stock holder, owner, manager or person who has either a financial interest of any nature in a bottle club or directs any policy of a bottle club.

Section 4 Prohibition

No person including a firm, corporation, association, partnership, or organization shall keep, maintain, operate, lease, or otherwise furnish, either to its members, patrons and guests or to the general public, any premises, building, apartment, or place for use as a bottle club, without first having obtained a license as prescribed herein and paying fee therefor.

Notwithstanding any other provisions of this Ordinance, the following organizations shall not be subject to the provisions of this Ordinance, bona fide non-profit, charitable, patriotic or religious organization. Such an exempt organization under the terms of this Ordinance must in proof of its exemption exhibit to the licensing

authority suitable proof of tax exemption under the then existing federal income tax code or under the laws of the State of Maine in proof of its qualification for exemption.

Section 5 Licensing Authority

Licenses shall be issued by the municipal officers, after notice and hearing on the licensee's application.

Application for a license to operate a bottle club shall be made in writing to the municipal officers and shall state the name of the applicant; his residence and address; the name of the business to be conducted; the business address; the nature of the business and the types of entertainment to be conducted at the business location; the location to be used; whether the applicant, including all partners and corporate officers, has ever been convicted of a felony; and, if so, the applicant should describe specifically those circumstances; and any additional information as may be needed by the municipal officers to make a decision concerning the issuance of a license. The written application shall be accompanied by an affidavit which will identify all officers of the applicant, and the places of residency of each officer at the present time and the place of residency for each officer for the immediately preceding three (3) years. The applicant shall also submit together with the application a release for the dissemination of the criminal history record information pertaining to the applicant and any officer of the applicant as authorized by Title 16, MRSA, Sec. 620 (6). Failure to provide such a release shall be a grounds for denial of the application.

Submission of false information in an application for a license shall be a violation of this Ordinance and such action shall be grounds for denial of the application.

The applicant shall submit the completed application to the Town Clerk, together with the required documents, and shall deposit prescribed license fee in advance with the Town Clerk.

The municipal officers shall, prior to granting a license and after reasonable notice to the municipality and the applicant as prescribed in Section 8 herein, hold a public hearing within thirty (30) days of the date that the application was received, at which the testimony of the applicant and that of any interested members of the public should be taken.

Section 6 Qualification of Officers

All officers of a bottle club shall meet the following qualifications: no officer shall have been convicted of a Class A, B, or C crime nor of violating any of the gambling or prohibited liquor laws of the United States or of the State of Maine, or any other state, within seven (7) years immediately preceding the date of the application.

Section 7 Description of the Premises

Every applicant for a bottle club license shall include in the application a description of the premises for which a license is desired and shall set forth such other material information, description, or plan of that part of the premises where it is proposed to consume or keep liquor.

Section 8 Public Notice Concerning Issuance of License

Public notice of the date of the hearing concerning the issuance of a license shall be published in a newspaper of general or local circulation no less than seven (7) days prior to the date of the hearing on this matter.

The municipal officers shall also give written notice to the owners of all property within five hundred (500) feet of the parcel or tract of land on which such bottle club shall be located and such notice shall be given by certified mail, return receipt requested.

Section 9 Compliance with Other Laws and Ordinances

No license shall be issued for anything, act or premises, if the premises and building to be used for the purposes of a bottle club do not fully comply with all ordinances, articles, by-laws, or rules and regulations of the municipality, and provisions of state law. In the event that an applicant for a license hereunder proposes a use of the premises for which application is made which is in violation of the Zoning Ordinances of the Town of Camden, no license hereunder shall be issued until said applicant has first brought said use into compliance with the Zoning Ordinances of the Town of Camden or obtained the appropriate approval of the Zoning Board of Appeals of the Town of Camden for such use.

Section 10 Investigation and Inspection

Upon receipt of each application for a bottle club license, or notice of a change of officers, the municipal officers shall require the following investigation which shall be completed before the date of the hearing on the applicant's license request:

- (a) The Code Enforcement Officer of the Town of Camden shall verify that the premises of the proposed bottle club complies with the applicable ordinances of the Town of Camden, including but not by way of limitation, the building code, electrical code, plumbing code, and the Zoning Ordinance; and said Officer shall report his findings in writing to the municipal officers.
- (b) The Town Clerk shall review the application and other documents and determine whether such documents indicate that the requirements of the Ordinance have been met and shall report his or her findings in writing to the municipal officers.
- (c) The Code Enforcement Officer shall cause inspection to be made at the proposed location of the bottle club for the purpose of determining whether the applicable ordinances relating to health and safety have received full compliance. A report of that Officer's findings shall be made in writing to the municipal officers.
- (d) The Fire Chief of the Town of Camden shall cause inspection to be made of the proposed location of the bottle club for the purpose of determining whether city ordinances concerning fire and safety have been met. The Police Chief of the Town of Camden shall cause an investigation to be made of the officers of the bottle club concerning criminal record history and said Chief shall report his findings in writing to the municipal officers.

Section 11 Standards

The municipal officers hereby adopt the following standards in the issuance of a license for a bottle club and for the suspension or revocation of such a license:

- (a) The municipal officers shall not grant a license in the event that said officers find that the issuance of the license would be detrimental to the public health, safety or welfare, or would violate municipal ordinance, or rules and regulations, articles or by-laws.
- (b) The facilities on the premises receiving a license under the terms of this Ordinance shall be adequate to assure the safety of all patrons of that establishment and shall comply with all state laws and ordinances regarding such an establishment.
- (c) Seating capacity in all zones shall be subject to the requirements of other state laws and municipal ordinances as to capacity.

(d) Under no circumstances shall any bottle club as defined in this Ordinance be permitted in a rural zone, residential-2 zone, residential-1 zone, or a shoreland zone in the Town of Camden as defined by the Zoning Ordinances of the Town of Camden. Subject to the provisions contained in this Ordinance, the bottle club shall be permitted only in a business zone-2 as defined by Section IV, Article 4; a business zone (downtown) B-1 as defined by Section IV, Article 5; and a harbor and river business zone as defined by Section IV, Article 8, of the Zoning Ordinances of the Town of Camden. Permitted activities under such a license in said zones shall cease no later than 12:30 a.m. in said business zones. It shall be deemed detrimental to the public safety or welfare for such permitted activities under said license to occur between the hours of 12:30 a.m. and 6:30 a.m. in said business zones.

(e) No licensee under the terms of this Ordinance for a bottle club shall be permitted to operate a bottle club unless said licensee obtains the services of an appropriate police officer or law enforcement officer during all of the hours of operation of said bottle club. Services of such a police officer or law enforcement officer shall be obtained solely at the expense of said licensee.

(f) No license shall be granted to any applicant who has not permitted access to the premises of the applicant for the investigation of an applicant as required in Section 10 herein; and no license shall be granted to any applicant who has not fully cooperated with such an investigation.

Section 12 Entertainment License

No licensee shall permit, on his licensed premises, any music, dancing or entertainment which requires a special amusement permit, unless the licensee shall have first obtained a special amusement permit pursuant to the requirements of the rules and regulations governing the issuance, suspension and revocation of special amusement permits for the Town of Camden.

Section 13 Hours of Bottle Club

The premises used as a bottle club shall be closed and vacated by members and guests each day during the hours as specified in Section 11 (d) of this Ordinance. During the hours that the bottle club must remain closed, no members, guests, or other persons, other than regular employees, may be on or remain therein, and the use by anyone of the premises or facilities the bottle club for the drinking of alcoholic beverages during such hours when the bottle club must remain closed is prohibited.

Section 14 Minors Not Permitted on Bottle Club Premises

No person under the age of twenty (20) years shall be permitted in or on that part of the premises subject to the control of any bottle club where persons are permitted to drink alcoholic beverages.

Section 15 Illegal Activities

No licensee shall permit any illegal activities to take place on the licensed premises. Such licensed premises shall be subject to inspection by state, county or municipal law enforcement officers at any time, at the request of the municipal officers.

Section 16 License Restriction

A license to operate a bottle club, as provided for by this Ordinance, may be denied, suspended, or revoked by the municipal officers, after notice and hearing, for a violation of or a failure to comply with any of the provisions of this Ordinance.

Public notice to interested parties shall consist of notice published in a local newspaper of general or local circulation at least seven (7) days prior to the date of the hearing.

Section 17 Appeal Procedures

Any applicant requesting a license from the municipal officers shall be notified in writing of the decision of those officers no later than fifteen (15) days from the date of hearing on said request. In the event that an applicant is denied a license, the applicant shall be provided with the reasons for such denial in writing. The applicant may not reapply for a license until the expiration of sixty (60) days after an application for a license has been denied.

Any applicant who has requested a license and has been denied, or whose license has been revoked or suspended, may, within thirty (30) days of the date of denial, suspension, or revocation, appeal the decision to the municipal Board of Appeals as defined in 30 MRSA, Sec. 2411. A municipal Board of Appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety, or welfare, or that the denial, revocation or suspension was arbitrary or capricious, or that the denial, revocation, or suspension was not based upon a violation of any ordinance, article, by-law, or rule or regulation of the municipality.

An appeal from a decision of the Zoning Board of Appeals of the Town of Camden shall be taken by any party to the Superior Court in accordance with the provisions of Title 30, MRSA, Sec. 2411 (3) (F).

Section 18 Expiration Period

All licenses issued pursuant to this Ordinance shall expire on the last day of June of each year.

Section 19 Location Restrictions

No new bottle club license shall be granted under this Ordinance to premises situated within three hundred (300) feet of a public or private school, school dormitory, church, chapel or parish house, in existence as such at the time such new license is applied for except such premises as were in use as bottle clubs on the effective date of this Ordinance. A three hundred (300) foot distance shall be measured from the main entrance of the school, school dormitory, church, chapel or parish house by ordinary course of travel.

Section 20 Display of License

Every bottle club shall exhibit its license at all times in a conspicuous place on its premises.

Section 21 License Fee

The fee for a license hereon shall be One Thousand Five Hundred Dollars (\$1,500).

Section 22 Penalty

In addition to any action which the municipal officers may take pursuant to this Ordinance and in enforcement of this Ordinance, violation of any provision of this Ordinance shall be a civil violation and a fine not exceeding Five Hundred Dollars (\$500) may be imposed for each such violation. Each day that a violation continues will be treated as a separate offense. Such fine shall be recovered, on complaint, to the use of the Town of Camden.

Section 23 Separability

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

Section 24 Effective Date

The effective date of this Ordinance shall be September 8, 1980.

State Law Reference: 30 MRSA, Sec. 1917, Sec. 2151; 28 MRSA, Sec. 2 (1-A), Sec. 4, Sec. 101

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

PART II-C Drinking in Public

ARTICLE I

Section 1. Drinking in public place.

Any person taking a drink of liquor or offering a drink of liquor to another in a public place, except places licensed for on-premise sale of liquor, or any person taking a drink of liquor or offering a drink of liquor in any vehicle not licensed for sale of liquor shall be punished by a fine of not more than \$100.00.

Section 2. Public Place defined.

"Public Place" as used in this section shall mean, any publicly owned or operated beach, park, public landing, wharf, public library, town owned cemetery, amphitheater, sewer treatment plant, parking area or ground adjacent thereto and used in conjunction therewith, to any highway, street or land to which the public is invited or has access. The term "Public Place" shall include the Opera House hall so called, together with any parking place used in connection therewith.

Section 3. For the purpose of this section, the definition of liquor shall mean and include any alcoholic, spirituous, vinous, fermented or any other alcoholic beverage, including beer and malt liquors, or combination of liquors, or mixed liquors intended for human consumption which contains more than one-half (1/2) of one (1) percent of alcohol by volume.

Historical Note: as adopted and amended, March 14, 1977

State Law Reference:30 MRSA, Sec. 1917, Sec. 2151; 17 MRSA, Sec. 2003-A

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

PART III-A Pets Ordinance

Ordinance to Control Unreasonable Noise by Pets

Section 1

No person shall own, possess, harbor, or keep any dog, bird, animal, or other household pet which frequently or for continued duration makes sounds which create a noise disturbance which unreasonably annoys or disturbs a person located beyond the boundaries of the property on which that dog, bird, animal, or other household pet is located. For purposes of this ordinance, an owner of a barking dog shall be deemed in violation of this ordinance if that dog barks, bays, cries, or howls in a manner which creates a noise disturbance, as described above, continuously for a period of ten minutes or barks intermittently for one-half hour or more, in a manner which unreasonably disturbs any person at any time of day or night.

Proof of continuous, although intermittent noise occurring with great frequency for a period in excess of one-half hour, shall constitute prima facie evidence of such unreasonable or continuous noise which constitutes violation of this ordinance.

The term "pet" as used in this section shall include both household pets, farm animals, and any domestic animal whatsoever.

Section 2

The penalty for violation of this ordinance shall be a fine of Fifty Dollars (\$50.00) for the first offense, and for a period of two years after the first offense, and One Hundred Dollars (\$100.00) for any second offense, and Two Hundred and Fifty Dollars (\$250.00) for the third or any subsequent offense. For purposes of assessing the penalty, no more than one violation will be deemed to have occurred on any one day, regardless of the number of complaints lodged on that day. harbor or keep any pet including a dog or other household pet who causes annoyance to any person or neighborhood, or disturbs the quiet enjoyment of said neighborhood, by unreasonable or continuous noise, including barking, howling or making other sounds common to the species. The fact that said noise is intermittent but occurring with great frequency shall still constitute such noise that is prescribed by the Section so long as said noise is unreasonable and disturbs the quiet enjoyment of the neighborhood.

Proof of continuous although intermittent noise occurring with great frequency for a period in excess of one hour shall constitute prima facie evidence of such unreasonable or continuous noise that constitutes a violation of this Ordinance.

The term "pet" as used in this Section shall include both household pets, farm animals, and any domestic animal whatsoever.

Historical Note: Adopted at Annual Town Meeting June 13, 1995

State Law Reference: 30 MRSA, Sec. 1917, Sec. 2151; 17-A MRSA, Sec. 501; 7 MRSA, Sec. 3458.]

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

PART III-B

***AN ORDINANCE FOR THE REGULATION
OF THE DISCHARGE OF FIREARMS
IN CERTAIN AREAS OF THE TOWN OF CAMDEN**

**ARTICLE 1
REGULATION OF DISCHARGE OF FIREARMS.**

Section 1- Jurisdiction:

This ordinance shall be enacted pursuant to the Municipal Home Rule powers of Title 30-A, M.S.R.A., Section 3001. The provisions of this ordinance shall be liberally interpreted in order to meet the objectives set forth in this ordinance.

Section 2- Purposes and Objectives:

The purposes and objectives of this ordinance are to protect both residents and non-residents of the Town of Camden from accidental injury as a result of the discharge of firearms in certain areas of the Town of Camden in which the discharge of firearms is considered to be unsafe in consequence of the congestion of residences in those areas, terrain features, or proximity to recreational or residential uses.

Section 3- Discharge of Firearms Prohibited, Except With a Permit:

No person, except a police officer, sheriff, constable, game warden, other law enforcement official, or military personnel in the performance of their official duties, shall, without a permit from the Police Chief of the Town of Camden, discharge any firearm. Notwithstanding the prohibition on the discharge of firearms set forth in this section, the following activities shall not be considered a prohibited discharge of firearms which violates the provisions of this ordinance:

- A. The discharge of firearms for official military exercises, and the discharge of firearms for ceremonies in connection with funerals, military reviews, and memorial events, specifically including the discharge of firearms by official participants in parades commemorating Memorial Day and in the observance of other holidays;
- B. The discharge of firearms in the proper defense of a person, that person's family, that person's property, and other people, but only to the extent that such actions are lawful and permitted by the laws of the State of Maine; and
- C. The discharge of firearms to destroy or to kill any dangerous animal, and to kill wild animals attacking other domestic animals or destroying property, as permitted under the terms of Title 12, M.R.S.A., Section 12401; and
- D. The discharge of firearms for the purpose of hunting in compliance with all provisions of Title 12 in areas not set forth below in Article II and / or Article III.
- E. All road/street names shall be governed by the official firearms discharge map located in the Town of Camden Public Safety Building.

Section 4- Permit for Discharge of Firearms:

Applications for a permit from the Police Chief of the Town of Camden to discharge a firearm shall be requested on a form provided for that purpose by the Police Chief. The application shall contain the full name and address of the applicant, together with addresses for the prior five (5) years, and an identification of the date and place of birth, height, weight, and eye color of the applicant. In addition, the application may contain a requirement for submission of any of the other information set forth in applications submitted pursuant to Title 25, M.R.S.A., Section 2003(1) (D). The application shall contain a specific statement of the date, time, and purpose of the discharge of firearms for which the application is submitted, together with a statement of appropriate safety measures to be taken to reduce danger to people and property.

Upon receipt of a proper written application, the Police Chief shall, within ten (10) days, issue the permit for a discharge of a firearm on the specific date(s), time(s), and location, and for the specific purpose set forth in the written application, unless the Police Chief determines, on the basis of the information submitted on the written application, that the requested discharge of a firearm would be dangerous or otherwise unsafe to people, property, or domestic animals. Upon a determination that the requested discharge of a firearm does not meet the foregoing criteria for the issuance of a permit, the Police Chief shall notify the applicant, in writing, of the denial of the permit and the reasons therefore.

A permit issued by the Police Chief pursuant to this section of this ordinance shall be valid only for the date(s), time(s), location, and purpose set forth in the written application.

Article II

GEOGRAPHIC AREAS WHERE DISCHARGE OF FIREARMS IS PROHIBITED, EXCEPT WITH A PERMIT

Section 1- Prohibited Area #1:

The area bounded by Gould Street, Mountain Street, Molyneaux Road and State Route 105 back to Gould Street, more accurately described as follows:

Beginning at the southeasterly corner post of a bridge at the intersection of Gould and Washington Streets; THENCE running Northeasterly along the northerly line of Gould Street to the westerly line of Mountain Street; THENCE turning and running generally Northwesterly, along the westerly line of Mountain Street to the southerly line of the Molyneaux Road; THENCE turning and running in a generally Westerly direction, or as said Molyneaux Road runs, to the easterly line of State Route 105 (Hope Road); THENCE turning and running in a generally Southeasterly direction, or as said Route 105 runs, to the southeasterly corner post of the aforementioned bridge, being the place of beginning.

Section 2- Prohibited Area #2:

The area bounded by Molyneaux Road, East Fork Road, Melvin Heights Road, Upper Mechanic Street, Cobb Road, Thomas Street, and Washington Street back to Molyneaux Road, more accurately described as follows:

Beginning at the southerly corner of an intersection where the westerly line of State Route 105 joins the southerly line of Molyneaux Road; THENCE running Westerly, following the southerly line of said Molyneaux Road, to the easterly line of East Fork Road; THENCE turning and running generally Southerly and Southeasterly along the easterly lines of said East Fork Road, the Melvin Heights Road, and Upper Mechanic Street, to the easterly line of Cobb Road; THENCE turning and running generally Northerly along the easterly line of Cobb Road; to the southerly line of Thomas Street; THENCE turning and running generally

Northeasterly along the southerly line of Thomas Street to the westerly line of Washington Street at its point of intersection with said Thomas Street; THENCE turning and running generally Northwesterly, or as said Washington Street runs, to its intersection with the southerly line of said Molyneaux Road, being the place of beginning.

Section 3- Prohibited Area #3:

The area on the Penobscot Bay side of State Route 1 south of the Camden Hills State Park, bounded by Eaton Avenue, High Street/Route 1, Camden Hills State Park boundary, and the bay shore back to Eaton Avenue, more accurately described as follows:

Beginning on the southerly side of High Street (U.S. Route 1), at a point where it intersects with the easterly line of Eaton Avenue; THENCE running generally Northeasterly along the southerly line of Route 1 to the boundary line of the Camden Hills State Park; THENCE turning and running generally Southeasterly, following said boundary line of the Park, to the normal high water mark of Penobscot Bay; THENCE turning and running generally Southerly and Southwesterly along the normal high water mark of Penobscot Bay to a point where it intersects with the easterly line of Eaton Avenue; THENCE turning and running generally Northwesterly along the easterly line of said Eaton Avenue to the southerly line of High Street, being the place of beginning.

Section 4- Prohibited Area #4:

The area on the Penobscot Bay side of State Route 1 north of Camden Hills State Park, bounded by Camden Hills State Park, the Camden/Lincolntonville Town Line, and the bay shore back to the Park boundary, more accurately described as follows:

Beginning on the southerly side of said Route 1, at a point where it intersects with the easterly line of Camden Hills State Park; THENCE running generally Northeasterly, along the southerly line of said Route 1, to the Camden-Lincolntonville town line; THENCE turning and running generally Southeasterly, following said town line, to the normal high water mark of Penobscot Bay; THENCE turning and running generally Southwesterly along said high water mark, to the boundary line of said Park; THENCE turning and running generally Northwesterly, along said boundary line, to its intersection with said Route 1, being the place of beginning.

Section 5- Prohibited Area #5:

The area of the Town of Camden which is located within two hundred (200) yards of the normal high water mark of Hosmer Pond.

Section 6- Prohibited Area #6:

Any area located within the property boundary lines of the so-called Ada Mills Sand Pit, set forth as Map 40, Lot 3 on the tax maps of the Town of Camden and which is owned-on the date of enactment of the ordinance-by the Town of Camden by virtue of a deed recorded in the Knox County Registry of Deeds at Book 168, Page 367.

Section 7- Prohibited Area #7:

The triangular section of land bounded by Molyneaux Road, East Fork Road and Melvin Heights Road, more accurately described as follows:

Starting at the intersection of the southerly side of Molyneaux Road and the westerly side of East Fork Road;

THENCE traveling westerly along the southerly side of Molyneaux Road to the intersection with Melvin Heights Road; THENCE continuing southerly along the east side of Melvin Heights Road to the intersection with East Fork Road; and THENCE continuing northerly along the west side of East Fork Road to the place of beginning where the west side of East Fork Road meets the south side of Molyneaux Road.

Section 8- Prohibited area #8:

The land area between Lake Megunticook and State Route 105, from Codman Island Road to Carle Brook, more accurately described as follows:

Starting at the intersection of the Codman Island Road and the northeasterly side of State Route 105; THENCE continuing Northwesterly along the northeasterly side of State Route 105 for a distance of approximately one (1) mile to the south side of Carle Brook; THENCE by and along the south side of Carle Brook to its confluence with Megunticook Lake; THENCE Southeasterly by and along the high water mark of the southwesterly shore of Megunticook Lake to the place of beginning at the intersection of Codman Island Road and northeasterly side of State Route 105.

Section 9- Prohibited Area #9:

The land area between Lake Megunticook and Beaucaire Avenue, from Start Road to State Route 52, including Barretts Cove, more accurately described as follows:

Starting at the point where the northwest corner of Beaucaire Avenue intersects with the southwest side of State Route 52; THENCE westerly along the north side of Beaucaire Avenue to the northwest side of the intersection of Beaucaire Avenue and Start Road; THENCE northwesterly following an extension of the westerly sideline of Start Road to the intersection of that line with the high water mark of Megunticook Lake (said call being the easterly boundary of the area described in the third paragraph of Article III herein); THENCE continuing by and along the high water mark of Megunticook Lake easterly to a stone wall located on the east side of Barrett's Cove Beach; THENCE easterly along the stone wall to the southwest boundary of State Route 52; THENCE Southeasterly to the starting point where the northwest corner of Beaucaire Avenue intersects with the southwest side of State Route 52.

ARTICLE III

**GEOGRAPHIC AREAS WHERE DISCHARGE OF FIREARMS
WITHOUT A PERMIT IS PROHIBITED,
EXCEPT FOR THE DISCHARGE OF SHOTGUNS**

The discharge of firearms shall be prohibited in the following geographic areas, except that the discharge of shotguns, shall be permitted with a permit:

- A. The area bounded by Start Road, Beaucaire Avenue, and Molyneaux Road back to Start Road, more accurately described as follows:

Beginning in the northerly sideline of Molyneaux Road in the point at which that sideline intersects with the westerly sideline of Start Road; THENCE running generally Northwesterly, by and along said westerly sideline of Start Road, to its intersection with the southerly sideline of Beaucaire Avenue; THENCE turning and running generally Southwesterly and Southerly by and along said southerly sideline of Beaucaire Avenue, and approximately parallel with the shoreline of Megunticook River, to the intersection of Beaucaire Avenue with said northerly sideline of Molyneaux Road; THENCE turning and running generally Southeasterly along said northerly sideline of Molyneaux Road to its intersection with the Start Road, being the place of beginning.

- B. The land area along Lake Megunticook, from Start Road and bounded by Beaucaire Avenue, Molyneaux Road and State Route 105 to Bog Bridge, including Codman Island, and more accurately described as follows:

Beginning at a point in the northerly sideline of Beaucaire Avenue, which point is directly opposite from the point of intersection of the westerly sideline of Start Road with the southerly sideline of said Avenue; THENCE running generally Southwesterly and Southerly, by and along the northerly sideline of said Avenue, to a point opposite the point of intersection of the northerly sideline of Molyneaux Road with the southerly sideline of said Avenue; THENCE turning and running generally Southwesterly, by and along the northerly sideline of Molyneaux Road, to its intersection with the easterly sideline of State Route 105; THENCE turning and running generally Northwesterly, by and along the easterly sideline of said Route 105, to its intersection with Bog Bridge, so-called; THENCE turning and running generally Easterly to the normal high water mark of Megunticook Lake; THENCE turning and running generally Easterly and Northeasterly, by and along the normal high water mark of said Lake, to its intersection with a line extending from the point in the northerly sideline of Beaucaire Avenue which is located directly opposite the point of intersection of the westerly sideline of Start Road with the southerly sideline of said Avenue (that point being the point of beginning); THENCE turning and running generally Easterly, by and along that extension line, to the place of beginning; also including the entire geographic area of Codman Island, so-called.

ARTICLE IV

PROHIBITED ACTS AND PENALTY

Each person who discharges a firearm without a required permit, in violation of this ordinance, shall be subject to a penalty of not less than \$250 for each such violation of this ordinance. This fine shall be collected by a complaint of the Town, filed in the District Court for the Division of Knox County. Each and every incident of a discharge of firearms in violation of this ordinance shall be considered a separate and independent violation.

ARTICLE V

DEFENITION OF FIREARMS

For the purposes of this ordinance, a “firearm” or “firearms” shall mean any instrument defined as a “firearm” within the meaning of Title 12 M.R.S.A., Section 10001 (21). “Firearm” means any instrument used in propulsion of pellets, shot, shells or bullets by action of gunpowder, compressed air or gas exploded or released within it.

For the purposes of this ordinance, a “shotgun” shall mean a smoothbore shoulder weapon for firing shot at short distances. For the purposes of this ordinance, “shot” shall mean a solid ball or bullet that is not intended to fit the bore of a piece; also such projectiles collectively.

*Ordinance adopted in its entirety November 5, 1991.

*Ordinance revised November 6, 2007.

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

PART III-C

**Miscellaneous Misdemeanors
(Now partly superseded by State Statute)**

Section 1

Repealed by voters at the June 12,13, 2001 Town Meeting.

Section 2

No person shall put or place, or cause to be put or placed, in or upon any public street, square, or other way customarily and lawfully used for public travel, or upon any sidewalk appurtenant thereto, any ashes, glass, crockery, scrap-iron, wire, tin, nails, tacks, or any other article of a nature likely to cause injury to pedestrians traveling on such a way or sidewalk, or to automobiles, carriages, bicycles or any other vehicles, moving on such street, way, or square; or which might wound, disable or injure any horse or other domestic animal; or which might cut, puncture or otherwise injure any pneumatic tire.

Section 3

Repealed by the voters at the June 12,13, 2001 Town Meeting.

Section 4

Repealed by the voters at the June 12,13, 2001 Town Meeting.

Section 5

No person shall deface, injure, destroy, or remove any signboard, or other thing used to designate the business or employment of any other person.

Section 6

Repealed by the voters at the June 12,13, 2001 Town Meeting.

Section 7

Repealed by the voters at the June 12,13, 2001 Town Meeting.

Section 8

Repealed by the voters at the June 12,13, 2001 Town Meeting.

Section 9

Repealed by the voters at the June 12,13, 2001 Town Meeting.

Section 10

Repealed by the voters at the June 12,13, 2001 Town Meeting.

Section 11

No fireworks, fire crackers, torpedoes, bombs, squibs, rockets, spinwheels or other things containing any substance of an explosive nature designed or intended to be used as fireworks shall be discharged or set off within the compact section, excepting from midnight July 3rd to midnight July 5th, provided, however, that the municipal officers may, upon application, grant permission under such terms and conditions as they may deem expedient, for pyrotechnic displays on days other than the fourth day of July, and provided further, that whenever the fourth day of July shall fall upon Sunday, the foregoing exception shall apply to the next succeeding day.

Section 12

Repealed by the voters June 12,13, 2001 Town Meeting.

Section 13

Whoever shall violate any of the provisions of any ordinance shall forfeit and pay not less than one or more than five dollars for each offense; except in cases where other specific penalties have been herein above imposed.

Enacting Ordinance

The above ordinances will become effective when approved and all former town ordinances or parts thereof, inconsistent with these ordinances are hereby repealed.

Historical Note: Adopted April 11, 1934 as amended June 19, 1934 and March 9, 1981

State Law Reference: 17-A MRSA, Secs. 751-754; 17 MRSA, Sec. 2802; 17-A MRSA, Sec. 505; 23 MRSA, Sec. 3252, Sec. 3452; 29 MRSA, Sec. 1752; 17 MRSA, Sec. 343; 17-A MRSA, Sec. 954; 30 MRSA, Sec. 1917, Sec. 2151; 17-A MRSA, Secs. 507, 511, 501, 854; 12 MRSA, Sec. 7406; 25 MRSA, Secs. 2031-2035; 8 MRSA, Secs. 211-217

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

PART III-D

Prohibition of Feeding of Wild Animals

SECTION 1 – PURPOSE

The intent of this ordinance is to protect the health, safety, and welfare of the community and its wildlife by prohibiting the feeding of wild animals and waterfowl, including ducks, geese, and gulls, on public and private property in the town of Camden. It has been established that feeding waterfowl and other wild animals increases the potential for damage to public parks and private property, may elevate the potential for the spread of disease in people, and contributes to water quality problems in Camden harbor and Megunticook River. In addition, it is the intent of this ordinance to protect the welfare of the waterfowl and wild animals themselves, as wildlife studies have shown that feeding waterfowl and other wild animals can interrupt their normal migration patterns, can make them more aggressive in demanding food, cause nutritional problems, expose them to danger by eliminating their natural fear of predators, and promote the spread of diseases and disease-carrying parasites such as ticks.

SECTION 2 - DEFINITIONS

As used in this ordinance, the following terms shall have the meanings indicated:

"Wild animal" shall include any animal, which is not normally domesticated in this state, including but not limited to bears, coyotes, deer, feral cats, foxes, groundhogs, opossums, raccoons, skunks, and waterfowl.

"Waterfowl" shall include any bird that frequents the water, or lives about rivers, lakes, etc., or on or near the sea; an aquatic fowl, including but not limited to ducks, geese, and gulls.

SECTION 3 - PROHIBITIONS

- A. No person shall feed or provide food to any waterfowl on public or private property in the town of Camden. It is prohibited to place, deposit, scatter or distribute in a location accessible to waterfowl any type of food, including but not limited to corn, wheat or other grains, bread, popcorn, bird seed, scraps or any substance liable to be eaten by waterfowl or other wild animals.
- B. No person shall harbor, keep, or feed any wild animal or bird, on private or public property in a manner that creates an unclean, unsafe, or unsanitary condition, either on such person's property or on the property of another or of the Town, or that causes annoyance to others or otherwise deleteriously affects the quiet enjoyment by others of any private or public property.
- C. This ordinance does not prohibit the feeding of songbirds using well-maintained bird feeders.

SECTION 4 – VIOLATION AND ENFORCEMENT

Any violation of the prohibitions in Section 3 shall be considered a civil violation as defined in 17-A M.R.S.A. § 4-B and prosecuted under Maine Rule of Civil Procedure 80H. The violator shall be subject to penalties of \$25 for the first violation of Section 3, and \$100 for the second and each subsequent violation. Each ongoing

day of the violation(s) shall constitute a separate offense. In addition to the financial penalties so provided, the violator shall be subject to an injunctive order to cease the violation and conduct any required clean-up, and to an order requiring the violator to pay the Town's legal fees and costs in pursuing any required investigative or enforcement action.

This Ordinance shall be enforced by the Town of Camden Code Enforcement Officer, if the violation occurs on private property, and by any law enforcement officer if the violation occurs on public property.

HISTORICAL NOTE: ADOPTED AT JUNE 15, 2016 ANNUAL TOWN MEETING

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

PART IV

Traffic Code

Section 1 Words and Phrases Defined

Definition of words and phrases

The following words and phrases when used in the ordinance shall for the purpose of this ordinance have the meanings respectively ascribed to them in this article.

Alley or Alleyway:

A narrow way between buildings or giving access to the rear of buildings.

Authorized emergency vehicle:

Vehicles of the fire department (fire patrol), police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Chief of Police.

Bicycle:

Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 16 inches in diameter. (SIZE AMENDED 6/26/89)

Business district:

The territory contiguous to and including a highway when within any 600 feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least 300 feet of frontage on one side or 300 feet collectively on both sides of the highway.

Compact Section:

The compact section or built-up portions of the Town of Camden shall be the territory contiguous to any way as follows:

- A. Route #1 - .21 miles north of Marine Avenue
- B. Route #1 - .12 miles south of Conway Road
- C. Route #105 0 .28 miles north of Mt. Battie Street
- D. Route #52 0 .45 miles north of Mill street
- E. Mechanic Street - Intersection of Mechanic Street and Simonton Road
- F. Union Street - .15 miles south of Curtis Avenue
- G. Chestnut Street - Driveway entrance of (former) Schirmer Estate
- H. Bay View Street - Intersection of Beacon Avenue
- I. Camden Street - Town line of Camden-Rockport
- J. Cobb Road - Intersection of Thomas Street
- K. Limerock Street - Town line of Camden-Rockport

Commercial Vehicle:

Every vehicle designed, maintained or used primarily for the transportation of property.

Controlled-access highway:

Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Crosswalk:

(a) That part of the highway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway.

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Curb loading zone:

A space adjacent to a curb reserved for the exclusive use of Vehicles during the loading or unloading of passengers or material.

Driver:

Every person who drives or is in actual physical control of a vehicle.

Highway:

The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Intersection:

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways, which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two roadways (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as separate intersection. In the event such intersecting highway also includes two roadways (30) feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

Laned Roadway:

A roadway which is divided into two or more clearly marked lanes for vehicular traffic.

Motor Vehicle:

Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated on rails.

Motorcycle:

Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

Official time standard:

Whenever certain hours are named herein they shall mean standard time or day-light savings time as may be in current use in this town.

Official traffic-control devices:

All signs, signals, markings and devices not inconsistent with this ordinance placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

Park or parking:

Means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

Pedestrian:

Any person afoot.

Person:

Every natural person, firm, co partnership, association or corporation.

Police Officer:

Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private road or driveway:

Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Residence district:

The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of 300 feet or more is, in the main, improved with residences or residences and buildings in use for business.

Right of way:

The right of one vehicle or pedestrian to proceed in a lawful manner in preference of another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Roadway:

That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Safety Zone:

The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Sidewalk:

That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

Stand or standing:

Means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

Stop:

When required means complete cessation from movement.

Stop or Stopping:

When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Street or highway:

The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Through highway:

Every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right of way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this ordinance.

Traffic:

Pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for the purpose of travel.

Traffic-control signal:

Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

Traffic division:

The traffic division of the police department of this town or in the event a traffic division is not established, then said term whenever used herein shall be deemed to refer to the police department of this town.

Vehicle:

Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

State Law Reference: 30 MRSA, Sec. 2151; 29 MRSA, Sec. 1252(3)

Section 2 Traffic Administration

2.1 Police administration

There is hereby established in the Town of Camden a police department which will be the traffic division of the town under the control of the Chief of Police.

2.2 Duty of traffic division

It shall be the duty of the traffic division to enforce the street traffic regulations of this town and all of the State vehicle laws applicable to street traffic in this town, to make arrests for traffic violations, to investigate accidents and to cooperate with the other officers of the town in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out these duties specially imposed upon said division by this ordinance and the traffic ordinances of this town.

2.3 Records of traffic violations

(a) The police department shall keep a record of all violations of the traffic ordinances of this town or of the State vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offences. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a 5-year period and from that time on the record shall be maintained complete for at least the most recent 5-year period.

(b) All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.

(c) All such records and reports shall be public records.

2.4 Police Department to investigate accidents

It shall be the duty of the police department to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

2.5 Traffic accident studies

Whenever the accidents at any particular location become numerous the Police Chief shall cooperate with the Town Manager in conducting studies of such accidents and determining remedial measures.

2.6 Traffic accident reports

The police department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the Town Officials.

2.7 Drivers' files to be maintained

(a) The police department shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

(b) Said police department shall study the cases of all the drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, and shall attempt to discover the reasons therefor, and shall take whatever steps are lawful and reasonable to prevent the same or to have the licenses of such persons suspended or revoked.

(c) Such records shall accumulate during at least a (5-year) period and from that time on such records shall be maintained complete for at least the most recent (5-year) period.

2.8 Police Chief to submit annual traffic-safety report

The Police Chief shall annually prepare a traffic report which shall be filed with the Town Manager. Such report shall contain information on traffic matters in this town as follows:

1. The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;
2. The number of traffic accidents investigated and other pertinent data on the safety activities of the police;
3. The plans and recommendations of the Police for future traffic safety activities.

2.9 Police Chief to designate method of identifying funeral processions

The Police Chief shall designate the type of pennant or other identifying insignia to be displayed upon, or other method to be employed, to identify the vehicles in funeral processions.

2.10 Emergency and experimental regulations

The Chief of Police by and with the approval of the Board of Selectmen is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of this town and to make and enforce temporary or experimental regulations which may remain in effect for up to 365 days.

State Law Reference: Title 30, Sec. 1917, Sec. 2151

Section 3 Enforcement and Obedience to Traffic Regulations

3.1 Authority of police and fire department officials

(a) It shall be the duty of the officers of the police department or such officers as are assigned by the Chief of Police to enforce all street traffic laws of this town and all of the State vehicle laws applicable to street traffic in this town.

(b) Officers of the police department or such officers as are assigned by the Chief of Police are hereby

authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws, provided that in event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(c) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic there at or in the immediate vicinity.

3.2 Required obedience to traffic ordinance

It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this ordinance.

3.3 Obedience to police and fire department officials

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

3.4 Persons propelling push carts or riding animals to obey traffic regulations

Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this ordinance applicable to the driver of any vehicle, except those provisions of this ordinance which by their very nature can have no application.

3.5 Use of coasters, roller skates and similar devices restricted

No person on roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all the rights and shall be subject to all of the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by ordinance of this town. (Also see new Ordinance in Chapter VI)

3.6 Public employees to obey traffic regulations

The provisions of this ordinance shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this State, county, or town of Camden, and it shall be unlawful for any said driver to violate any of the provisions of this ordinance, except as otherwise permitted in this ordinance or by State Statute.

3.7 Authorized emergency vehicles

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this ordinance.

2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

3. Exceed the maximum speed limits so long as he does not endanger life or property.

4. Disregard regulations governing direction of movement or turning in specified directions.

(c) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red, blue or amber light, as prescribed by State law for fire, police or emergency vehicles, visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except that an authorized emergency vehicle operated as police vehicle need not be equipped with or display a blue light visible from in front of the vehicle.

(d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

3.8 Operation of vehicles on approach of authorized emergency vehicles

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this State, or of a police vehicle properly and lawfully making use of an audible signal only.

1. The driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

2. This section shall not operate to relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all.

3.9 Immediate notice of accident

The driver of a vehicle involved in an accident resulting in injury to or death to any person or total damage to all property to an apparent extent of \$100 or more shall immediately by the quickest means of communication give notice of such accident to the police department if such accident occurs within this town.

3.10 Written report of accident

The driver of a vehicle which is in any manner involved in an accident resulting in bodily injury or death to any person or total damage to all property to an apparent extent of \$100 shall within 48 hours after such accident forward to the Chief of State Police a written report.

3.11 When driver unable to report

(a) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an

accident as required in Section 3-9 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.

(b) Whenever the driver is physically incapable of making a written report of an accident as required in Section 3-10 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall make sure that a report is forwarded to the Chief of the State Police.

3.12 Public inspection of reports relating to accidents

Accident reports are maintained at the police department and are available to any individuals for inspection for any just reason.

3.13 Penalty

Any person who shall violate any of the provisions of any section of Part Four, Section 3 of the Traffic Code except for those sections where specific penalty is therein provided, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$5.00 and not more than \$100.00.

State Law Reference: 30 MRSA, Sec. 2151, Sec. 3776; 29 MRSA, Sec. 1194, Secs. 2300-2306, Sec. 905, Sec. 946, Sec. 946-A, Sec. 1362; 14 MRSA, Sec. 8104; 29 MRSA, Secs. 891-894; 23 MRSA, Sec. 2851

Section 4 Traffic Control Devices

4.1 Authority to install traffic-control devices

The Police Chief shall place and maintain traffic-control signs, signals, and devices when and as required under the traffic ordinances of this town to make effective the provisions of said ordinances, and may place and maintain such additional traffic-control devices as he may deem necessary to regulate traffic under the traffic ordinances of this town or under State law or to guide or warn traffic.

4.2 Manual and specifications for traffic-control devices

All traffic-control signs, signals and devices shall conform to the manual of Uniform Traffic-Control Devices. All signs and signals required hereunder for a particular purpose shall as far as practicable be uniform as to type and location throughout the town. All traffic-control devices so erected and not inconsistent with the provisions of State Law or this ordinance shall be official traffic-control devices.

4.3 Obedience to official traffic-control devices

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this ordinance, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this ordinance.

4.4 When official traffic-control devices required for enforcement purposes

No provision of this ordinance for which official traffic-control devices are required shall be enforced

against an alleged violation if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

4.4.1 Official traffic-control devices -- presumption of legality

- (a) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this ordinance, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
- (b) Any official traffic-control device placed pursuant to the provision of this ordinance and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this ordinance, unless the contrary shall be established by competent evidence.

4.5 Traffic-Control signal legend

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combinations, only the colors Green, Red and Yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and to pedestrians.

4.6 Flashing Signals

Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

1. Flashing red (Stop signal). When a red lens is illuminated with rapid intermitted flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
2. Flashing yellow (Caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

4.7 Display of unauthorized signs, signals or markings

- (a) No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.
- (b) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.
- (c) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(d) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

4.8 Interference with official traffic-control devices

No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any part thereof.

4.9 Authority to establish play streets

The Town Manager shall have authority to declare any street or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

4.10 Play Streets

Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

4.11 Chief of Police to designate crosswalks and establish safety zones

The Police Chief is hereby authorized with the approval of the Board of Selectmen :

1. To designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary;
2. To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

4.12 Traffic Lanes

(a) The Police Chief is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

(b) Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

4.13 Penalty

Any person who shall violate any of the provisions of any section of Part Four, Section 4 of the Traffic Code except for those sections where specific penalty is therein provided, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$5.00 and not more than \$100.00.

State Law Reference: 23 MRSA, Sec. 59, Sec. 2851; 30 MRSA, Sec. 2151; 29 MRSA, Secs. 941-955, Sec. 2303

Section 5 Speed Regulations

5.1 State speed laws applicable

The State traffic laws regulating the speed of vehicles shall be applicable upon all streets within this city, except as this ordinance, as authorized by State law, hereby declares and determines upon the basis of engineering and traffic investigation that a speed of no greater than twenty-five miles per hour shall be maintained in the compact section of the Town of Camden. It shall be unlawful for any person to operate a motor vehicle at any speed in excess of the posted limits of the following streets:

Barnestown Road: 45 MPH starting at the Camden-Hope Line and extending easterly to the junction of Molyneaux Road, a total distance of 1.7 miles.

Bay View Street: 25 MPH starting at the junction of Bay View Street and U.S. Route 1 in Camden and extending southerly to the junction of Bay View Street and Chestnut Street, a total distance of 1.8 miles.

Beaucaire Avenue: 25 MPH from the junction of Route 52 easterly to the intersection of Molyneaux Road, a total distance of 1.5 miles.

Cobb Road: 35 MPH starting at the junction of Cobb Road and Route 105 and extending southerly to the junction of Cobb Road and Thomas Street, a total distance of 1.15 miles.

25 MPH starting at the junction of Cobb Road and Thomas Street and extending to the junction of Cobb Road and Mechanic Street, a total distance of 0.45 miles.

East Fork Road 35 MPH

John Street: 35 MPH starting at the junction of Mechanic Street and John Street and extending southeasterly to the junction of John Street and U.S. Route 1, a total distance of 0.85 miles.

Hosmer Pond Road 30 MPH starting at the junction of Molyneaux Road and extending easterly to the junction of the Rollins Road, a total distance of 1.3 miles.

Mechanic Street 45 MPH starting at the junction of the Rollins Road and extending easterly to the junction of the Melvin Heights Road, a total distance of 1.2 miles.

35 MPH starting at the junction of Mechanic Street and the Melvin Heights and extending easterly to the junction of Mechanic Street and Park Street, a total distance of 0.9 miles.

25 MPH starting at the junction of Mechanic Street and Park Street and extending easterly to the junction of Mechanic Street and U.S. Route 1, a total distance of 0.6 miles.

Melvin Heights Road and East fork Road from the intersection of Hosmer Pond Road and Melvin Heights to Molyneaux Road, 35 MPH.

Molyneaux Road, 35MPH.*(amended November 17, 2003 Select Board Meeting)*

Route #1: 35 MPH starting at a point opposite the Rockport-Camden town line and extending easterly to the junction of U.S. Route 1 and School Street (at Stop Sign) in Camden, a total distance of 0.75 miles.

25 MPH starting at the junction of U.S. Route 1 and School Street (at Stop Sign) and extending easterly through the built-up portion of Camden to a point 0.05 miles easterly of the junction of Routes 1 and 52 and/or to a point opposite NET&T Pole #1/2 in Camden, a total distance of 0.35 miles.

35 MPH starting at a point 0.05 miles easterly of the junction of U.S. Route 1 and 52 in Camden and/or at a point opposite NET&T Pole #1/2 and extending easterly to a point opposite NET&T Pole #1/30 and/or to a point 0.70 miles easterly of above junction, a total distance of 0.65 miles.

50 MPH starting at a point 0.70 miles easterly of the junction of U.S. Route 1 and 52 in Camden and/or opposite NET&T Pole #1/30 and extending easterly to a point opposite CMP Pole #60/1/60 located 0.10 miles easterly of the Camden Hills Park Entrance in Camden, a total distance of 0.95 miles.

55 MPH starting at a point 0.10 miles easterly of the Camden Hills Park Entrance and/or at a point opposite CMP Pole #60/1/60 and extending easterly to the Camden-Lincolnton line, a total distance of 3.10 miles.

Route 52: 30 MPH starting at the junction of U.S. Route 1 and 52 in Camden and extending northerly to the junction of Route 52 and Gould Street, a total distance of 0.70 miles.

40 MPH starting at the junction of Route 52 and Gould Street in Camden and extending northerly to a point opposite CMP Pole #36/36 in Camden, a total distance of 0.20 miles.

55 MPH starting at a point opposite CMP Pole #36/36 in Camden and extending northerly to a point 2.0 miles northerly of CMP Pole #36/36 in Camden, a total distance of 2.0 miles.

40 MPH starting at a point 2.0 miles north of CMP Pole #36/36 in Camden and extending northerly to the Camden-Lincolnton line, a total distance of 2.30 miles.

Route 105: 45 MPH starting at the Camden-Hope line and extending easterly to a point opposite CMP Pole #50 and/or to a point 0.20 miles westerly of the junction of Route 105 and Thomas Street in Camden, a total distance of 3.8 miles.

30 MPH starting at a point opposite CMP Pole #50 and/or at a point 0.20 miles westerly of the junction of Route 105 and Thomas Street in Camden and extending easterly to the junction of Route 105 and Grove Street in Camden, a total distance of 0.6 miles.

25 MPH starting at the junction of Route 105 and Grove Street in Camden and extending easterly to the junction of Route 105 and U.S. Route 1 in Camden, a total distance of 0.5 miles.

Sherman's Point Road: 25 MPH starting at the junction of Sherman's Point Road and High Street and extending to the end of Sherman's Point Road, a total distance of 1,800 feet.

Simonton Road: 35 MPH starting at the junction of Simonton Road and John Street and extending to the junction of Simonton Road and Mechanic Street, a total distance of 0.15 miles.

Start Road: 35 MPH starting at the junction of Molyneaux Road and extending to the intersection of Beaucaire Avenue, a total of .8 miles.

Union Street: 25 MPH from junction of Curtis Avenue and Union Street easterly to the junction of Union Street and Belmont Avenue, a total distance of 0.85 miles.

All speed zones in this chapter have been approved by the State Highway Commission with the approval and comment of the Chief of the Maine State Police.

5.2 Speed limits in urban and rural areas

The speed limits set in the urban and rural areas outside the compact section of the Town of Camden are set by the Speed Regulation Board of the State of Maine. It shall be unlawful for any person to operate a motor vehicle in excess of the posted limit on any street or highway.

5.3 Speed in school and library zones

It shall be unlawful to operate a motor vehicle at a speed greater than fifteen miles per hour in any school zone when children are going to or from school or are at recess. It shall be unlawful to operate a motor vehicle at a speed greater than fifteen (15) miles per hour in the library zone on Atlantic Avenue.

5.4 Penalty

Any person who shall violate any of the provisions of any section of Part Four, Section 5 of the Traffic Code except for those sections where specific penalty is therein provided, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$5.00 and not more than \$100.00.

State Law Reference: 29 MRSA, Secs. 1251-1256; amended 11-17-97

Section 6 Turning Movements

6.1 Required position and method of turning at intersections

The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) Right turns --- Both the approach for a right turn and right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Left turns on two-way roadways --- At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection, the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(c) Left turns on other than two-way roadways --- At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

6.2 Authority to place and obedience to turning markers

(a) The Police Chief is authorized to place markers, buttons, or signs within or adjacent to

intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

(b) When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the direction of such indications.

6.3 Authority to place restricted turn signs

The Police Chief is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other times, in which event, the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

6.4

Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

6.5 Limitations on turning around

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic.

6.6 Penalty

Any person who shall violate any of the provisions of any section of Part Four, Section 6 of the Traffic Code except for those sections where specific penalty is therein provided, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$5.00 and not more than \$100.00.

State Law Reference: 29 MRSA, Sec. 994, Secs. 1191--1194, Sec. 947, Sec. 941, Sec. 1961, Sec. 1151, Sec. 1151-A

Section 7 One-Way Streets And Alleys

7.1 Authority to sign one-way streets and alleys

Whenever any ordinance of this city designates any one-way street or alley the Police Chief shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement in the opposite direction is prohibited.

7.2 One-way streets and alleys

Upon those streets and parts of streets and in those alleys described in schedule I attached hereto and made a part hereof, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

SCHEDULE 1 ONE-WAY STREETS

In accordance with section 7.2 and when properly signposted, traffic shall move only in this direction indicated upon the following streets:

Atlantic Avenue	In an easterly direction from the intersection of Main Street to the intersection of Sea Street.
Chestnut Street	In a southerly direction from Route 1 (Elm Street) to the intersection of Wood Street.
Knowlton Street	In a southerly direction from the intersection Of Washington Street and Knowlton street to the intersection of Knowlton Street and Lion's Lane.
Pleasant Street	In a westerly direction from Wood Street to School Street.
Tannery Lane	In an easterly direction 150 feet from Main Street to said Main Street with a right turn only at exit.
Washington Street	In a northerly direction from the intersection of Elm Street to the inter section of Mechanic Street.
Wood Street	In a westerly direction from the intersection Of Chestnut Street to Pleasant Street.
Wilson Street	In an easterly direction from the intersection Of Chestnut Street to Bayview Street.

7.3 Authority to restrict direction of movement on streets during certain periods

(a) The Police Chief is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The Police Chief may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

(b) It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this section.

7.4 Penalty

Any person who shall violate any of the provisions of any section of Part Four, Section 7 of the Traffic

Code except for those sections where specific penalty is therein provided, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$5.00 and not more than \$100.00.

State Law Reference: 30-A MRSA, Sec. 3009; 29 MRSA, Sec. 993

Section 8 Stop And Yield Intersections, Etc.

8.1 Through streets designated

Those streets and parts of streets described in schedule 2 attached hereto and made a part hereof are hereby declared to be through streets for the purpose of this section. Designation as a through street does not preclude the placement of traffic control signs and/or devices on through highways or streets.

SCHEDULE 2

In accordance with the provisions of Section 8.1 and when signs are erected giving notice thereof drivers of vehicles shall stop at every intersection before entering any of the following streets or parts of streets.

Atlantic Highway

Bay View Street from Route 1 at Main Street to Chestnut Street near the Cemetery.

Chestnut Street from Route 1 at Elm Street to the Rockport town line.

Elm Street from Route 1 at School Street to the Rockport town line.

Mechanic Street from Washington Street to the Hope town line, via Hosmer Pond Road.

Mountain Street Route 52, from Route 1 at High Street to the Lincolnville town line.

Old Route #1 over Union, Elm, Main and High Streets, from the Rockport town line to the Lincolnville town line.

Washington Street from Route 1 at Elm Street to the Hope town line.

8.2 Signs required at through streets

Whenever any ordinance of this town designates and describes a through street it shall be the duty of the Town Manager to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic-control devices, provided, however, that at the intersection of two such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets as may be determined by the Town Manager upon the basis of an engineering and traffic study.

8.3 Other intersections where stop or yield required

The Town Manager is hereby authorized to determine and designate intersections where a particular hazard exists upon other than through streets and to determine (a) whether vehicles shall stop at one or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every such place where a stop is required, or (b) whether vehicles shall yield the right of way to vehicles on a different street at such intersection as prescribed in paragraph (a) of section 8-6, in which event he shall cause to be erected a yield sign at every place where obedience thereto is required.

8.4 Stop signs and yield sign.

(a) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

(b) Except when directed to proceed by a police officer or traffic control device, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

8.5 Vehicle entering stop intersection

Except when directed to proceed by a police officer or traffic-control signal, every driver or a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by Section 8-4 (b) and after having stopped shall yield the right of way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

8.6 Vehicles entering yield intersection

The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right of way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or with the intersection; provided, however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right of way.

8.7 Emerging from alley, driveway or building

The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

8.8 Stop when traffic obstructed

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the

other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

8.9 Penalty

Any person who shall violate any of the provisions of any section of Part Four, Section 8 of the Traffic Code except for those sections where specific penalty is therein provided, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$5.00 and not more than \$100.00.

State Law Reference: 29 MRSA, Sec. 948, Sec. 949, Sec. 992, Sec. 1152, Sec. 944, Sec. 945, Sec. 994, Sec. 1191

Section 9 Miscellaneous Driving Rules

9.1 Following fire apparatus prohibited

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

9.2 Crossing fire hose

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway or alley, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

9.3 Driving through funeral or other procession

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this ordinance. This provision shall not apply at intersections where traffic is controlled by traffic- control signals or police officers.

9.4 Drivers in a procession

Each driver in a funeral or other procession shall drive as near to the right hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

9.5 Funeral processions to be identified

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the Police Chief.

9.6 When permits required for parades and processions

No funeral, procession or parade containing (200) or more persons or (50) or more vehicles except the forces of the United States Army or Navy, the military forces of this State and the forces of the Police and Fire department, shall occupy, march or proceed along any street except in accordance

with a permit issued by the Chief of Police and such other regulations as are set forth herein which may apply.

9.7 Vehicle shall not be driven on a sidewalk

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

9.8 Limitations on backing

The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

9.9 Opening and closing vehicle doors

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave the door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

9.10 Riding on motorcycles

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

9.11 Clinging to vehicles

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

9.12 Boarding or alighting from vehicle

No person shall board or alight from any vehicle while such vehicle is in motion.

9.13 Unlawful riding

No person shall ride on any vehicle upon any portion thereof not designated or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

9.14 Driving through safety zone prohibited

No vehicle shall at any time be driven through or within a safety zone.

9.15 Penalty

Any person who shall violate any of the provisions of any section of Part Four, Section 9 of the Traffic Code except for those sections where specific penalty is therein provided, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$5.00 and not more than \$100.00.

Section 10 Pedestrians' Rights and Duties

10.1 Pedestrians subject to traffic-control signals

Pedestrians shall be subject to traffic-control signals as heretofore declared in sections 4-5 and 4-6 of this ordinance, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this article.

10.2 Pedestrians' right of way in crosswalks

(a) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(c) Paragraph (a) shall not apply under the conditions stated in paragraph (b) of section 10-5.

(d) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

10.3 Pedestrians to use right half of crosswalks

Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

10.4 Crossing at right angles

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.

10.5 When pedestrian shall yield

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

(c) The foregoing rules in this section have no application under the conditions stated in section 10-6 when pedestrians are prohibited from crossing at certain designated places.

10.6 Prohibited crossing

(a) No pedestrian shall cross a roadway other than in a crosswalk in any part of the business district.

(b) No person shall cross the street diagonally.

10.7 Pedestrians walking along roadways

(a) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

10.8 Pedestrians soliciting rides or business

(a) No person shall stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

(b) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

10.9 Drivers to exercise due care

Notwithstanding the foregoing provisions of this article every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or confused or incapacitated person upon a roadway.

10.10 Penalty

Any person who shall violate any of the provisions of Sections 10.1 through 10.8 inclusive, will be subject to a fine of not less than \$5.00 or more than \$100.00; however, such person may in lieu of such penalty within 48 hours of the violation pay the sum of \$2.00 for each violation of Sections 10.1 through 10.8 inclusive. Such payment shall in no event be construed to be an enforced imposition of a fine or penalty, but on the other hand be construed to be an amount which the offender may voluntarily contribute toward the cost and expense of furnishing to the public a less expensive alternate method or regulating and administering violations. Any violators making such payment shall be given a receipt for every such payment and a copy of such receipt along with all monies shall be delivered forthwith to the Town Treasurer by the Police Department.

Any person who shall violate any of the provisions of Section 10.9, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$5.00 and not more than \$100.00.

State Law Reference: 29 MRSA, Sec. 954, Sec. 955, Sec. 904

Section 11 Skateboard and Bicycle Ordinance

Definitions

- a. Bicycle – Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 16” in diameter.

Central Business Zone – That portion of the Town designated as B-1 (Downtown Business) and HB (Harbor Business) on the Zoning Map of the Town as it may be amended from time to time.

- b. Operate – To ride upon, drive, propel, or otherwise convey oneself or others by use of a bicycle or skateboard.
- c. Skateboard – A single platform mounted on wheels, which is designed to be propelled by human power.
- d. Town – Town of Camden.
- e. Vehicle – Bicycles and/or Skateboards.

Skateboard Operation

No person shall operate a skateboard on any street, sidewalk, or other public way in any portion of the Town designated as a Central Business Zone (B-1 or HB)

Bicycle Operation

No person shall operate a bicycle on any sidewalk in any portion of the Town.

No person shall operate a bicycle in any park located in any portion of the Central Business Zone.

No person shall violate any traffic laws while riding a bicycle in the Town.

Civil Penalties

Violations of this Ordinance shall result in a penalty of twenty five dollars (\$25) for a first offense. A second offense shall result in a penalty of not less than fifty dollars (\$50) and not more than one hundred dollars (\$100). Such a fine shall be collected in the name of the municipality and paid to the municipality in accordance with an order of the appropriate court. In addition, the town may request from the court an order causing the impoundment of the vehicle which was operated in the commission of such violation for a period not to exceed thirty (30) days for the first offense and for a period not to exceed ninety (90) days for a second offense.

Historic Note: Adopted June 26, 1989

Regulations for Bicycles

11.1 Effect of regulations

(a) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this article.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this ordinance.

(c) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

11.2 Traffic laws apply to persons riding bicycles

Every person riding a bicycle upon a roadway shall be granted all the rights and shall be subject to all

of the duties applicable to the driver of a vehicle by the laws of this State declaring rules of the road applicable to vehicles or by the traffic ordinances of this town applicable to the driver of a vehicle, except as to special regulations in this article and except as to those provisions of laws and ordinances which by their nature can have no application.

11.3 Obedience to traffic-control devices

(a) Any person operating a bicycle shall obey the instructions of officials, traffic-control signals, signs, and other control devices applicable to vehicles, unless otherwise directed by a Police Officer.

(b) Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make such a turn, in which event such person shall then obey the regulations applicable to pedestrians.

11.4 Riding on bicycles

(a) A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

11.5 Riding on roadways and bicycle paths

(a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(c) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

11.6 Speed

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

11.7 Emerging from alley or driveway

The operator of a bicycle emerging from an alley, driveway or building shall upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right of way to all pedestrians approaching on said sidewalk or sidewalk area and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

11.8 Carrying articles

No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars.

11.9 Parking

No person shall park a bicycle upon a street other than upon the roadway against the curb or upon

the sidewalk in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic.

11.10 Riding on sidewalks

(a) No person shall ride a bicycle upon a sidewalk within a business district.

(b) The Chief of Police is authorized to erect signs on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person and when such signs are in place no person shall disobey the same.

ALTERNATE (b) No person (15) or more years of age shall ride a bicycle upon any sidewalk in any district.

(c) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

11.11 Lamps and other equipment on bicycles

(a) Every bicycle when in use at night time shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlights on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

(b) No person shall operate a bicycle unless it is equipped with a bell or other device, after the first of June 1967, capable of giving signal audible for a distance of at least 100 feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

(c) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

11.12 Penalties

Every adult convicted of a violation of any provision of this article shall be punished by a fine of not less than \$5 dollars or by impounding of juvenile's bicycle for a period not to exceed 5 days for the first offense, 10 days for the second offense, and 30 days for every other offense.

State Law Reference: 29 MRSA, Secs. 1961-1963

Section 12 Method of Parking

12.1 Standing or parking close to curb

Except as otherwise provided in this article every vehicle stopped or parking upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within 12 inches of the right-hand curb.

12.2 Signs or markings indicating angle parking

(a) The Town Manager shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any Federal-aid or State

Highway within this town unless the State Highway Commission had determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement to traffic.

(b) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

12.3 Obedience to angle-parking signs or markings

On those streets which have been signed or marked by the Town Manager for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

12.4 Permits for loading or unloading at an angle to the curb

(a) The Chief of Police is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise, or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein.

(b) It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any such permit.

12.5 Lamps on parked vehicles

(a) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise, and in the event there is sufficient light to reveal any person or object within a distance of 500 feet upon such street or highway, no lights need be displayed upon such parked vehicle.

(b) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is not sufficient light to reveal any person or object within a distance of 500 feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of 500 feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of 500 feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

(c) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

12.6 Penalties

See Section 15-A, Penalties.

*Adopted June 18, 1990

State Law Reference: 30 MRSA, Sec. 2151; 29 MRSA, Sec. 1361, Sec. 1366, Sec. 1368, Secs. 1071-1073

Section 13 Stopping, Standing or Parking in Specified Places

13.1 Stopping, standing or parking prohibited

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

1. Stop, stand or park a vehicle:

- a. On the roadway side of any vehicle stopped or parked at the edge of curb of a street.
- b. On a sidewalk.
- c. Within an intersection.
- d. On a crosswalk.
- e. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings.
- f. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
- g. Upon a bridge or other elevated structure upon a highway.
- h. At any place where official signs prohibit stopping.

2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

- a. In front of a public or private driveway.
- b. Within 15 feet of a fire hydrant.
- c. *deleted October 3, 2005 Select Board Meeting*
- d. Within 30 feet upon the approach to any flashing signal, stop sign or traffic-control signal located at the side of the roadway.
- e. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance (when properly signed).
- f. At any place where official signs prohibit standing.

3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

- a. At any place where official signs prohibit parking.

b. Or move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

13.2 Parking not to obstruct traffic

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic.

13.3 Parking in alleys

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway to any abutting property.

13.4 All-Night Parking Prohibited

From November 1 until April 1, no person shall park a vehicle on any street or public parking lot for a period of time longer than thirty (30) minutes between the hours of 1:00 am and 5:00 am of any day, except physicians and other medical personnel on emergency calls, firefighters on emergency calls, and other Town employees, including highway department personnel, in connection with their official duties. The Police Department is granted authority to authorize overnight parking in the ten (10) rear spaces in the Washington Street Parking Lot, on the condition that the vehicles so authorized will be removed the next day so that snow clearing operations can take place.

In addition, the Town designates the three parking spaces on the west side of Washington Street adjacent to the Camden Opera House building so that there shall be no parking in those spaces from 1:00 am to 6:00 am of every day. Those spaces shall be specifically identified as a "tow-away zone" during that time of prohibited parking.

Adopted by the Camden Selectmen May 1, 1995. Amended January 2, 1996.

13.5 Parking for certain purposes prohibited

No person shall park a vehicle upon any street for the principal purpose of:

1. Displaying such vehicle for sale.
2. Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.
3. No person shall park an automobile, trailer, bus, truck or camper upon any highway, way, avenue, street, court, lane, alley, park, square, sidewalk, bridge, or upon any right-of-way in connection therewith for the purpose of camping or sleeping in said vehicle at any time during the day or night without written permission being granted by the town selectmen or their duly authorized agent, unless said area has been designated as a camping area by the selectmen of the Town of Camden and sign(s) authorizing the use of the area as a camping site have been posted by the selectmen of the Town of Camden or their duly authorized agent.

13.6 Parking adjacent to schools

(a) The Chief of Police is hereby authorized to erect signs indicating no parking upon either or both

sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

(b) When official signs are erected indicating no parking upon either side of a street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

13.7 Parking prohibited on narrow streets

(a) The Police Chief is hereby authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed 30 feet.

(b) When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

13.8 Standing or parking on one-way streets

The Chief of Police is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall park a vehicle upon any such street in violation of such sign.

13.9 Standing or parking on one-way roadways

In the event a highway included two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The Chief of Police is authorized to determine when standing, or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

13.10 No stopping, standing or parking near hazardous or congested places

(a) The Chief of Police is hereby authorized to determine and designate by proper signs places not exceeding 100 feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay of traffic.

(b) When official signs are erected, at hazardous or congested places as authorized herein, no person shall stop, stand or park a vehicle in any such designated place.

13.11 Penalty

See Section 15-A, Penalties.

*Adopted June 18, 1990

State Law Reference: 29 MRSA, Sec. 1111; 30 MRSA, Sec. 2151; 17-A MRSA, Sec. 505; 29 MRSA, Sec. 942

Section 14 Stopping for Loading or Unloading Only

14.1 Town Manager to designate curb loading zones

The Town Manager is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the

hours during which the provisions of this section are applicable.

14.2 Standing in passenger curb loading zone

No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during the hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed 3 minutes.

14.3 Standing in freight curb loading zone

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading or delivery or pick-up and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading or unloading of materials exceed 30 minutes.

14.4 Town Manager to designate public carrier stops and stands

The Town Manager to designate public carrier stops and stands.

The Town Manager is hereby authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger-common-carrier motor vehicles on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs.

14.5 Stopping, standing and parking of buses and taxicabs regulated

(a) The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.

(b) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.

(c) The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not farther than 18 inches from the curb and the bus approximately parallel to the curb so not to unduly impede the movement of other vehicular traffic.

(c) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

14.6 Restricted use of bus and taxicab stands

No person shall stop, stand, or park a vehicle other than a bus in a bus stop (or other than a hackney in hackney stand) or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading

passengers when such stopping does not interfere with any bus, or taxicab waiting to enter or about to enter such zone.

14.7 Stopping For Loading or Unloading Only

CAMDEN PUBLIC LANDING: No person shall stop, stand or park any vehicle that requires more than one parking space within the area of the Camden Public Landing for any purpose other than loading or unloading without the written permission of the Selectmen or the Town Manager.

14.8 Penalty

See Section 15-A, Penalties.

*Adopted June 18, 1990

Section 15 Stopping, Standing or Parking Restricted or Prohibited on Certain Streets

15.1 Application of article

The provisions of this article prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

15.2 Regulations not exclusive

The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

15.3 Parking prohibited at all times on certain streets

When signs are erected or the curb is painted yellow, giving notice thereof, no person shall park a vehicle at any time upon any of the streets or parts of streets described in schedule 3 attached to and made a part of this ordinance.

SCHEDULE 3 NO PARKING

In accordance with Section 15.3 and when signs or painted curb so designates no person shall at any time park a vehicle upon any of the following streets or parts thereof:

Alden Street South side

Atlantic Avenue North side

Atlantic Avenue South side, 40 feet East from Main Street

Bay View Street	East side, from a point 204' south from Main Street to Bay Road
Bay View Street	East side, from Main Street south over a distance of 120'
Bay View Street	West side over a distance of 230' south from Main St.
Bay Road	West side (inland)
Beaucaire Avenue	Northerly side, adjacent to Barrett Cove Memorial Park
Belmont Avenue	East side from intersection of Union Street in Southerly direction for a distance of 400 feet.
Central Street	South side from a point 340' easterly of Main Street over a distance of 95'
Chestnut Street	East side from a point 258' south of Elm Street to Frye Street
Chestnut Street	Both sides from Limerock Street northerly over a distance of 250'
Chestnut Street	East side from Frye Street to Wilson Avenue from November 15 through April 15
Commercial Street	Both sides
Elm Street	North side, 130 feet West from Free Street
Elm Street	No parking either side west of School Street
Free Street	East side from Elm Street North to Mechanic Street.
Free Street	West side, 35 feet North from Elm Street
Free Street	West side, from Mechanic Street to Pearl Street
Frye Street	South side from Chestnut Street to Bay View Street
Frye Street	North side from the intersection with Bayview Street over a distance of 20'
High Street	South side, from Harbor Road to 100 feet beyond Marine Avenue
John Street	North side, from Simonton Rd. Easterly over a distance of 660'
Knowlton Street	Either side, Mechanic Street to Alden Street
Knowlton Street	West side from intersection of Washington Street South to Intersection of Lions Lane
Main Street	East side from Atlantic Avenue North to High Street.

Main Street	West side South from Central Street over a distance of 100'
Mechanic Street	North side westerly from the intersection of Knowlton Street to the entrance to the parking lot of the Knowlton Center.
Mechanic Street	North side, east from Washington St. over a distance of 120'
Mechanic Street	South side, 20 feet East from Washington Street
Mechanic Street	South side, 132 feet West from the intersection of Washington Street
Mechanic Street	South side, 106' east from Free Street
Mechanic Street	South side from a point 50' east of Free Street over a distance of 50'
Mountain Street	From Gould St., 200 feet on the west side of Mountain Street
Pearl Street	South side, westerly from Free Street over a distance of 370'.
Pleasant Street	North side
Route 52	Both sides from Intersection of Beaucaire Avenue, so called, North to town line except for four (4) parking spaces along the Mountain (east) side beginning 1 1/4 miles southerly of the Camden/Lincolnton town line.
Sea Street	Northeast side of Sea Street for 20' in either direction at the 90 degree turn located at the intersection of Sea Street and Wayfarer Drive
Sea Street	West side from High St. to a point 160' southerly of Atlantic Ave.
Sea Street	Sea Street, east side, from High Street to a point 135' southerly of High Street, and also beginning at a point 495' southerly of High Street and proceeding southerly over a distance of 250'
Sea Street	South Side, beginning at the intersection of Wayfarer Drive and extending easterly over a distance of 35'
Sea Street	Corner of Steamboat Landing Road: 10' southerly of Sea Street along Steamboat Landing Road, and 10' westerly along Sea Street
Tannery Lane	South side from Washington Street over a distance of 94'
Washington Street	East side, 75 feet North from Elm Street
Washington Street	West side, north from Mechanic Street over a distance of 255'
Washington Street	West side, from 315' north of Mechanic Street to 470' north of Mechanic Street
Washington Street	West side, from 550' north of Mechanic Street over a distance of 160'

Washington Street	East side, south from Cross Street over a distance of 70'
Wilson Street	North side
Wood Street	Either side from a point 210 feet westerly from Chestnut Street to Elm Street
Wood Street	South side, from Chestnut Street over a distance of 210'

15.4 Parking prohibited during certain hours on certain streets

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified in schedule 4 of any day except Sunday and public holidays within the district or upon any of the streets described in said schedule 4 attached to and made a part of this ordinance.

SCHEDULE 4

In accordance with Section 15.4 and when signs are erected giving notice thereof, no person shall park a vehicle between the hours specified herein on any day except Sundays and public holidays within the district or upon any of the streets or parts of streets as follows:

Alden Street	No parking on the north side between 7 AM to 3 PM weekdays while school is in session.
Grove Street	No parking either side from intersection at Washington Street easterly for 300 feet between the hours of *7 A.M. to 3 P.M. weekdays while school is in session.
Knowlton Street	30 minute parking for 8 cars is permitted on the east side of Knowlton Street, between the Camden- Rockport High School and the Mary E. Taylor School entrance crosswalks, from 7:00 A.M. to 3:00 P.M. weekdays while school is in session, until December 1, 2000.
Mechanic Street	No parking north side from the intersection of Knowlton Street easterly for a distance of 100' between 7 AM and 3 PM weekdays while school is in session.
Spring Street	No parking either side from intersection of Washington Street for a distance to 300 feet between the hours of *7 A.M. to 3 P.M. WEEKDAYS while school is in session. <i>(change voted on at October 21, 1991 Selectmen's Meeting)</i>
Trim Street	There shall be no parking from *7 A.M. to 3 P.M. while school is in session.
Washington Street	No parking from intersection of Alden street Northerly to Rawson Avenue, both sides of Street, between the hours of *7 A.M. to 3 P.M. while school is in session.

Washington Street 30 minute parking for three spaces on the west side of Washington St. adjacent to the Camden Opera House Building. *(adopted June 7, 2004 Select Board Meeting)*

15.5 Stopping, standing or parking prohibited during certain hours on certain streets.

When signs are erected in each block giving notice thereof, no person shall stop, stand, or park a vehicle between the hours specified in schedule 5 of any day except Sunday and public holidays within the district or upon any of the streets described in said schedule 5 attached to and made part of this ordinance.

**SCHEDULE 5
PARKING LOTS**

Washington Street Parking Lot	east side of Washington Street 150' westerly of Elm Street. Six spaces are to be designated 2 hour parking, and remaining spaces are all day parking.
Opera House Parking Lot	reserved 8:00-4:30 P.M. weekdays, except holidays, for town employees 2 hour parking except when reserved for Town employees.
Mechanic Street Parking Lot	located south side of Mechanic Street 160' north of Elm Street. 2-hour parking.
Camden Public Safety Parking Lot	located on the north side of Washington Street, 270' west of Mechanic Street, all day parking, except first two spaces facing Washington Street as one hour parking for visitor's only. <i>(amended June 7, 2004 Select Board Meeting)</i>
Public Landing Parking Lot	located at the head of the harbor at the easterly end of Commercial Street 2 hour parking from May 1 to October 31 unless permission is granted by the Camden Harbor Master or Chief of Police, with exception to those reserved spaces designated by the Town. Those spaces along the westerly and northerly edge remain two hour parking year-round.
Library Meadow Parking Lot	located north of Atlantic Avenue and Northeast Library Amphitheatre. Closed from 11:00p.m. to 6:00a.m.
Cove Road Parking Lot	located on the west side of Cove Road, approximately 50' south of Arey Avenue intersection. Lot measures 82.5' x 134.4'. Closed from dusk to dawn, unless the Police Department grants specific parking permission to an individual.

15.6 24 Hour Parking Limit For Parking Lots and Streets

There shall be no parking for more than twenty-four (24) consecutive hours on any public parking lot, street or highway unless approved by the police department.

15.7 Parking time limited on certain streets

When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than (2) hours at any time between the hours of 9 A.M. and 5 P.M. of any day except Sunday and public holidays within the district or upon any of the streets described in schedule 6 attached to and made a part of this ordinance.

SCHEDULE 6 TWO-HOUR PARKING

In accordance with Section 15.6 and when signs are erected giving notice thereon no person shall park a vehicle for a period of time longer than 2 hours between the hours of 9 A.M. and 5 P.M. of any day except Sundays and public holidays within the district or upon any of the following streets or parts of streets.

Atlantic Avenue	southerly side 53 feet from Main Street to the access road to the harbor
Atlantic Avenue	southerly side from the access road to the harbor to Sea Street from May 15-November 15.
Bay View Street	East side from a point 120' south of Main Street to a point 204' south of Main Street
Bay View Street	West side from a point 230' south of Main Street to Wilson Street
Camden Public Landing	From May 1 to October 31 all parking spaces on the Public Landing unless permission is granted by the Camden Harbor Master or Chief of Police, with exception to those reserved spaces designated by the Town. Those spaces along the westerly and northerly edge remain two hour parking year-round.
Chestnut Street	East side from Elm Street over a distance of 90'. Then beginning again at a point 213' southerly of Elm Street to a point 258' from Elm Street.
Chestnut Street	West side, from Elm Street to Frye Street
Elm Street	East side, from the entrance walk of the Elm Street School to Bay View Street.
Elm Street	West side, from point 30 feet East of the corner of Free Street, to a point 15 feet West of the LaVerdiere's driveway, and from a point 10 feet East of the Laverdiere's driveway to a point 10 feet West of the corner of Mechanic and Elm Street.
Frye Street	Between Bay View Street and Chestnut Street

Main Street	East side from a point 9 feet from the corner of Bay View Street to a point 9 feet West of the corner of Atlantic Avenue.
Main Street	West side from a point 9 feet from the corner of Mechanic Street to the crosswalk at the Public Library.
Mechanic Street	North side from a point 100' east of Knowlton Street over a distance of 120'.
Mechanic Street	South side from the intersection of Free Street, westerly over a distance of 325 feet.
Mechanic Street	South side from a point 10' east of Free Street over a distance of 40'.
Pleasant Street	All day parking permitted on south side.
Tannery Lane	North side, next to the Fire Station
Town Office Parking Lot	All parking spaces, not reserved.
Wood Street	North side from a point 10' west of Chestnut Street over a distance of 190'.

15.7 Parking signs required

Whenever by this or any other ordinance of this town any parking time limit is imposed or parking is prohibited on designated streets it shall be the duty of the Town Manager to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

SCHEDULE 7 15-MINUTE PARKING

In accordance with Section 15.7 and when signs are erected giving notice thereon no person shall park a vehicle for a period of time longer than 15 minutes between the hours of 9 A.M. and 5 P.M. of any day except Sundays and public holidays within the district or upon any of the following streets or parts of streets.

Atlantic Avenue	South side, one space beginning 96' from Main Street, and extending over a distance of 20'
Bay View Street	West side, one space beginning 221' southerly of Elm Street, and extending southerly over a distance of 20'
Bay View Street	West side, one space beginning 392' southerly of Elm Street, and extending southerly over a distance of 20'
Chestnut Street	East side (in front of U.S. Post Office) from a Point 90' south of Elm Street, extending southerly approximately 123'
Elm Street	North side, one space over a distance of 25' westerly from Mechanic Street

Elm Street	South side, one space beginning at the corner of Chestnut Street, and extending easterly over a distance of 25'
Elm Street	South side, one space beginning 115' from the corner of Elm Street and Union Street, extending northerly over a distance of 20'
Main Street	West side, one space over a distance of 25' southerly of Tannery Lane, and one space over a distance of 25' Northerly of Tannery Lane
Mechanic Street	East side, one diagonal space beginning 188' northerly from Main Street and extending northerly over a distance of 10'
Mechanic Street	East side, one space extending northerly from Main Street over a distance of 25'
Public Landing	West side, two diagonal spaces beginning at Commercial Street, and extending over a distance of 17'
Washington Street	West side, three spaces beginning 53' northerly from Elm Street and extending northerly over a distance of 63'
Washington Street Parking Lot	Northerly edge of the Washington Street Parking Lot, one space beginning 17' easterly of Washington Street and extending over a distance of 20'
Washington Street	Two spaces west side of Washington St. adjacent to the Camden Opera House building. <i>(adopted June 7, 2004 Select Board Meeting)</i>

15.8 Parking time limited on certain streets

When signs are erected giving notice thereof no person shall stop, stand, or park a vehicle between the hours specified herein upon any of the streets or parts thereof as follows:

SCHEDULE 8 RESTRICTED PARKING

In accordance with Section 15.8 and when signs are erected giving notice thereof, no person shall stop, stand, or park a vehicle between the hours specified herein upon any of the streets or parts thereof as follows:

Atlantic Avenue	No parking on south side from the intersection of Main Street and Atlantic Avenue to the entrance road to the waterfront between the hours of 9:15 P.M. and 6 A.M. the following morning.
Main Street	West side from the Megunticook River to Central Street, 9:15 P.M. to 6 A.M. the following morning.
Steamboat Landing Road	No parking Dusk to Dawn.

15.9 Car parking on certain streets

When signs are erected giving notice thereof no person shall stop, stand, or park a vehicle other than a car upon any of the streets or parts thereof as follows:

SCHEDULE 9 CAR PARKING ONLY

In accordance with Section 15.9 and when signs are erected giving notice thereof, no person shall stop, stand, or park a vehicle other than a car upon any of the streets or parts thereof as follows:

Atlantic Avenue	from Main Street to Sea Street.
Chestnut Street	from Frye Street to a point 250' northerly of Limerock Street, both sides.
Elm Street	north side, from Free Street easterly over a distance of 50'
Mountain Street	from Route 1 to Cross Street, west side
Route 1	from the south side of Route 1 from Route 52 to Sea Street (<i>adopted July 21, 2003 Select Board Meeting</i>)
Sea Street	from High Street to Cove Road

15.10 Handicapped Parking Spaces on Certain Streets

When signs are erected giving notice that a parking space is designated as Handicapped Parking, no person shall stop, stand or park a vehicle or a motorcycle in a parking space marked as a Handicapped Parking space unless a vehicle parked in that space bears a special registration plate or placard issued under Title 29, Maine Revised Statutes, Section 252, 252-A or 252-C, or a similar plate issued by another state.

Whenever any parking space on a public way is designated for handicapped parking, the Town Manager or his designated representative, shall post a sign adjacent to and visible from each handicapped parking space indicating that the space is designated only for handicapped parking. The sign shall display the international symbol for accessibility. Parking spaces shall be deemed to be marked as designated handicapped parking spaces when such a space is indicated by a painted sign on pavement and a vertical standing sign which is visible in existing weather conditions.

Any person violating the provisions of this subsection by parking in a handicapped parking space shall be subject to the penalties set forth in Section 15-A, Subsection 4.

SCHEDULE 10

In accordance with Section 15.10 and when signs are erected giving notice thereof, no person shall stop, stand or park a vehicle or motorcycle in any handicapped parking space designated below, except a vehicle authorized to park in a designated handicapped space as set forth in Section 15.10:

- a. Elm Street- North side, beginning at the intersection of Washington Street, one parallel space, over a distance of 20'
- b. Chestnut Street- East side, beginning 200' south of Elm Street, one diagonal space, over a distance of 20'
- c. Chestnut Street – East side, south of Elm Street, one diagonal space to be van accessible adjacent to the space in item b
- d. Atlantic Avenue South side, beginning 313' from the intersection of Main Street, one parallel space over a distance of 20'
- e. Atlantic Avenue South side, beginning 133' from the intersection of Main Street, one parallel space over a distance of 20'
- f. Mechanic Street North side, beginning 58' from the intersection of Washington Street, one space over a distance of 22'.
- g. Washington St. Last space on the west side on Washington St. at the Mechanic St. intersection.
- h. Main St. - Both sides of Main Street near the crosswalk going from Lord Camden Inn to Emporium.

15.11 Handicapped Parking Spaces in Municipal Public Parking Areas

In every municipal public parking lot, the Town Manager shall designate one (1) handicapped parking space in an appropriate location for every twenty-five (25) parking spaces made available to the public in that parking lot. The Town Manager or his designated representative shall post a sign adjacent to and visible from each such handicapped parking space indicating that the space is designated only for handicapped parking. The sign shall display the international symbol for accessibility. Parking spaces shall be deemed to be marked as designated handicapped parking spaces in a municipal public parking lot when such a space is indicated by a vertical standing sign which is visible in existing weather conditions.

After a parking space has been designated with a sign in a municipal parking lot, no person shall stop, stand, or park a vehicle or a motorcycle in a parking space marked as a handicapped parking space unless a vehicle parked in that space bears a special registration plate or placard issued under Title 29, Maine Revised Statutes, Section 252, 252-A, or 252-C, or a similar plate issued by another state.

Any person violating the provisions of this subsection by parking in a handicapped parking space shall be subject to the penalties set forth in Section 15-A, Subsection 4.

See Section 15-A, Penalties.

Section 15.12 Permit Parking for Windjammers and Fisherman's Vehicles

When permits are issued by the Town giving notice thereof, windjammer and fisherman's vehicles may be parked at the Public Landing as follows:

SCHEDULE 12 PERMIT PARKING FOR WINDJAMMER AND FISHERMAN'S VEHICLES

In accordance with Section 15.12 when permits are issued by the Town giving permission thereof, authorized windjammer and fisherman's vehicles may be parked at the Public Landing as follows:

Public Landing-a permit for one space for each commercial fisherman with a boat moored in the harbor from dawn to 4:00 PM Monday through Saturday. The Town shall erect signs to prohibit stopping, standing or parking a vehicle other than an authorized fisherman's vehicle in spaces allocated for fishermen at the edge of the harbor bulkhead.

Public Landing-a permit for one space for each daysailer using the Town floats, when the vessel is in commercial use.

Public Landing-a permit for one space for each licensed windjammer owner whose vessels are berthed at the Town floats, when any of the vessels are in port at their permitted berth.

Public Landing-Curtis Island caretakers will be issued an unrestricted permit for one vehicle for parking on the Camden Public Landing. Permit sign to be displayed from the vehicle's rearview mirror.

Atlantic Avenue-a permit for one space for each licensed windjammer at the head of the harbor when the vessel is in port at its permitted berth.

Adopted by Camden Selectmen on June 16, 1994.

15.13 Tow Away Zones

When the signs are erected giving notice thereof, no person shall stop, stand or park a vehicle upon any of the streets, parking lots or parts thereof which are designated as a tow-away zone as follows:

SCHEDULE 13

In accordance with Section 15.13, when signs are erected giving notice thereof, no person shall stop, stand or park a vehicle upon any of the streets, parking lots or parts thereof as follows:

Public Landing-spaces marked as permit parking for fisherman only, dawn to 4:00 PM Monday through Saturday.

Steamboat Landing Road-east and west sides, from 160' south of Sea Street over a distance of 25'.

15.14 Parking in a Tour Bus or Shuttle Bus Stop

SCHEDULE 14

In accordance with Section 15.14, when signs are erected giving notice thereof, no person shall stop, stand or park a vehicle upon any of the streets, parking lots or parts thereof as follows:

Spaces marked by yellow lines and signs as Tour Bus Parking Spaces

Spaces marked by yellow lines and signs as Shuttle Bus Parking Spaces

15.15 Violation for Shuffling or Relocating Vehicles to Avoid Penalties

No person shall relocate or move a vehicle in order to avoid a violation of the two-hour parking limit for any street, parts of streets or public parking lot, set forth in Section 15.6 of the Ordinance, or remove or erase a chalk mark placed on a tire of a vehicle by a law enforcement officer in order to designate the duration that the vehicle has occupied a two-hour limited parking space. For purposes of this Section, the following actions by any such person shall be considered prima facie evidence of such prohibited conduct, when observed by a law enforcement officer:

(1) When a person moves or relocates a vehicle which has been parked less than two hours from a two-hour limited parking space and then returns to the same parking space or moves to a parking space within 500 feet from the same parking space, as measured along the street or within a public parking lot, within five minutes of the time that the initial parking space was vacated; or

(2) When a person moves or relocates a vehicle from a two-hour limited parking space directly to an adjacent parking space in front of that parking space or to an adjacent parking space at the rear of that parking space.

Any person who has engaged in the prohibited conduct shall have committed a violation of this Section of the Ordinance, and shall pay the penalty set forth in Section 15-A, Section 7.

*Adopted June 18, 1990. Sections 15.10, Schedule 10 and 15.11 were adopted January 25, 1993, Section 15.13 adopted June 20, 1994; Section 15.14 adopted October 7, 1996, Section 15.15 adopted by the Selectmen July 7, 1997.

Historical Note: Adopted September 26, 1966, as revised May 27, 1968, May 10, 1976, June 28, 1976, July 12, 1976, August 8, 1983, May , 1992, October 7, 1996 and at other times as stated with the ordinances

State Law Reference: 29 MRSA, Sec. 2303

***Section 15-A Penalties**

(1) Any person who violates any of the provisions of Sections 12.1, 12.3 through 12.5, 13.1 through 13.4, 13.6 through 13.10, 14.2 through 14.3, and 14.5 through 14.7, inclusive, shall be subject to a fine of not less than \$10 and not more than \$50; provided, however, that such person may, in lieu of such penalty, within 48 hours of the date of the violation, pay the sum of \$20 for each violation of said sections. Such payment shall constitute a method by which persons charged with violations of those parking regulations may waive all court action by payment of specified fees within stated periods of time, in accordance with Title 30-A, M.R.S.A., Section 3009(1)(C)(2). Any violator making such payment shall be given a receipt for every such payment, and a copy of such receipt along with all monies paid shall be delivered to the Town Treasurer by the Police Department.

(2) Any person who violates any of the provisions of Section 13.5 shall be subject to a fine of not less than \$20 and not more than \$250. Any person violating this provision of the ordinance may, in lieu of such penalty, within forty-eight hours of the date of the violation, pay the sum of \$20.00 for a violation of that section of the ordinance. Such payment shall constitute a method by which persons charged with a violation of this section of the ordinance may waive all court action by the payment of a specified fee within stated periods of time, in accordance with Title 30-A ss 3009 (1)(c)(2). Any violator making such payment shall be given a receipt for every such payment and a copy of such receipt along with all monies paid shall be delivered to the Town Treasurer by the Police Department.

(3) Any person who violates any of the provisions of Sections 15.3 through 15.6, 15.7, Section 15.8 and Section 15.9, inclusive, shall be subject to a fine, for each day of such violation, of \$6 for the first offense, \$15 for the second offense, and \$20 for the third offense and \$25 for any offense after the third offense on that day. A late fee of \$10 will be charged for parking tickets paid after seven days. After the fifth violation by any person in any twelve month period subsequent to the date of adoption of this ordinance amendment, the fine for each subsequent violation by that person within the twelve-month period shall be \$20 and \$20 for any subsequent offense on each day of violation.

[Any person who violates any of the provisions of Section 15.3 through 15.6, or Section 15.7 through Section 15.9, inclusive, may, in lieu of the payment of the penalty described above, within forty-eight hours of the date of the violation, pay the fine for a violation of such a section of the ordinance. Such payment shall constitute a method by which persons charged with violations of those parking regulations may waive all court action by the payment of specified fees within stated periods of time, in accordance with Title 30-A M.R.S.A. ss3009 (1)(c)(2). Any violator making such payment shall be given a receipt for every such payment and a copy of such receipt along with all monies paid shall be delivered to the Town Treasurer by the Police Department.]

(4) Any person who violates any of the provisions of Sections 15.10 or 15.11 by parking a vehicle or motorcycle in a designated handicapped parking space in violation of those subsections shall be subject to a fine for a civil violation in the amount of \$100.00 for the first two-hour violation and \$100.00 for each additional violation or portion thereof.

Any person who violates any of the provisions of Section 15.14 shall be subject to a fine of \$50.00.

Any person who violates any of the foregoing provisions of Section 15, may, in lieu of the payment of the penalty described above, within forty-eight hours of the date of the violation, pay the fine for a violation of such a section of the ordinance. Such payment shall constitute a method by which persons charged with a violation of those parking regulations may waive all court action by the payment of the specified fee within stated periods of time, in accordance with Title 30-A M.R.S.A. ss 3009(1)(c)(2). Any violator making such payment shall be given a receipt for every such payment and a copy of such receipt, along with all monies

paid, shall be delivered to the Town Treasurer by the Police Department.

Any person who violates any of the provisions of Section 15.14 shall be subject to a fine of \$50.00.

(5) "Disabling Mechanical Device"

After the third violation of any provisions of this ordinance by any person in the six month period commencing on July 1, 2000 and ending on December 31, 2000 and after the fifth violation of any provisions of this ordinance by any person in any twelve month period commencing after January 1, 2001, and the failure of such person to pay penalties assessed against that person for any of those violations, the offending vehicle owned by that person shall, upon discovery by a police officer within the jurisdiction of the Town, be disabled by the placement of a mechanical device by that police officer or at the direction of that police officer which prevents the vehicle from being moved. This mechanical device, commonly known as a "Disabling Mechanical device", shall be removed from the vehicle upon payment of all of the unpaid fines which the owner has previously failed to pay, and costs then owed to the Town, as required by this ordinance.

After such third violation for the period July 1, 2000 through December 31, 2000 and after such fifth violation for the period after January 1, 2001, as set forth above, an officer of the Police Department shall provide that person with written notice delivered to the last known address of that person, and that notice shall warn that person of the provisions of the ordinance concerning the placement of a disabling mechanical device on that vehicle. A postal certificate of mailing shall be conclusive evidence that the written notice was given on the date set forth on the certificate of mailing. The disabling mechanical device shall not be placed upon that vehicle until such warning has been sent to the registered owner of that vehicle.

In the event that a disabling mechanical device is placed upon a vehicle, the police officer directing the placement of that device shall not cause the removal of that device until the registered owner of the offending vehicle has paid all unpaid fines; an administrative removal fee which shall include but not be limited to the cost of mailing notices, as set forth in the previous paragraph, and booting costs; any costs of towing of that vehicle incurred by the Town; and all other costs incurred by the Town concerning that vehicle including the Town's reasonable attorney's fees. The cost of said administrative removal fee shall be \$25.00 for the first removal and shall increase by \$25.00 for each subsequent removal.

Any vehicle disabled in accordance with the provisions of this ordinance shall remain in the location where that vehicle has been disabled until 6:00 p.m. on the day that the vehicle was disabled. After 6:00 p.m. on that date, a police officer may arrange for the removal of that vehicle to an automobile garage or some other suitable location, in the discretion of that police officer, until the registered owner of the vehicle has paid all unpaid fines and costs required for the removal of the disabling mechanical device.

The removal of the disabling mechanical device, after that device has been placed upon a vehicle by a police officer, shall be a violation of this Ordinance. The penalty for such a violation of this Ordinance by the removal of the disabling mechanical device by any person, except a police officer for the Town of Camden, shall be a civil penalty of \$250.00, together with reimbursement to the Town for any expense or cost incurred by the town arising from the loss of the disabling mechanical device or damage to that device as a consequence of such removal, upon complaint by the municipality in the District Court for Knox County. The removal of the disabling mechanical device from a vehicle in violation of this Ordinance shall be prima facie evidence that the registered owner of that vehicle was legally responsible for the removal of the device.

After the third violation of any provisions of this ordinance by any person in the six month period commencing on July 1, 2000 and ending on December 31, 2000 and after the fifth violation of any provisions of this ordinance by any person in any twelve month period commencing after January 1, 2001, and the failure of such person to pay penalties assessed against that person for any of those violations, in addition to

any other penalties or sanctions set forth in Section 15-A of this ordinance, any person who has been found to have made more than five violations of the provisions of this ordinance by the Maine District Court, shall be subject to a civil penalty in addition to any other penalties or sanctions for such violations, in the amount of \$100.00 and, if the municipality is the prevailing party concerning civil proceedings brought by the Town in connection with such violations, the Town shall be awarded reasonable attorneys fees and costs in connection with those civil proceedings."

Historical note: Adopted by the Selectmen 07/17/00

(6) Whenever any motor vehicle is stopped, standing or parked in violation of this ordinance or the registered owner or operator of that vehicle otherwise violates this ordinance, the registered owner of that vehicle shall be subject to the penalties set forth in Section 15-A of this ordinance or in other provisions of this ordinance. Each violation shall be a separate offense.

An officer of the Police Department, upon finding such vehicle which is in violation of this ordinance, shall record the registration number, and any other information which may identify the registered owner, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the Town, for the registered owner of the vehicle to answer the charge or charges against that person. The traffic citation or traffic summons shall bear the time, date and place of the violation, and the name of the police officer recording the violation. A stub containing the same information, along with the registration number of the offending vehicle shall be retained by the Police Department, and that stub shall be prima facie evidence that the registered owner of that vehicle is in violation of the ordinance.

Upon issuance of a traffic citation or summons to the registered owner of an offending vehicle, an officer of the Police Department is hereby authorized to summons the registered owner of that vehicle for a court proceeding in the Maine District Court, Division of Knox County.

The summons must include, at a minimum, the signature of the police officer, a brief description of the alleged offense, time and place of the alleged offense, and the time, place and date that the person is to appear in court.

Upon service of the summons, the police officer issuing the summons shall be responsible for the filing of the summons with the District Court and for arrangements for appropriate representation of the Town at a court proceeding involving the violation.

The violation of any provision of this ordinance is a civil violation.

(7) Any person who violates any of the provisions in Section 15.15 of this Ordinance shall be subject to a fine of \$20. for the first such violation and a fine of \$50. for each additional violation of that Section of the Ordinance within any 12-month period commencing with the date of the first violation.

Any person who violates any of the foregoing provisions of Section 15.15, may, in lieu of the payment of the penalty described above, within 48 hours of the date of the violation, pay the fine for a violation of such a Section of the Ordinance. Such payment shall constitute a method by which persons charged with a violation of those parking violations may waive all Court action by the payment of the specified fee within the stated periods of time, in accordance with Title 30-A M.R.S.A. 3009 (1)(c)(2). Any violator making such payment shall be given a receipt for every such payment and a copy of such receipt, along with all monies paid, shall be delivered to the Town Treasurer by the Police Department.

*Entire Section 15-A adopted June 18, 1990. Section 4 was adopted January 25, 1993, Sections 3 and 4 amended June 21, 1993, Section 4 amended October 7, 1996; Section 4 amended 11-17-97.

Historical Note: Traffic Code adopted September 26, 1966.

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

PART V

Reserved

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

PART VI

Ordinance for the Town of Camden for Licensing Taxicabs and Regulation of the Operations of Taxicabs

(1) This Ordinance shall be known and may be cited as an Ordinance for the Licensing and Regulation of the Operation of Taxicabs. This Ordinance is codified pursuant to Title 30, MRSA, Sec. 2151 (3) and the General Police Powers of the Town of Camden and this Ordinance has been enacted pursuant to the provisions of Title 30, MRSA, Sec. 2151 (3)(C).

(2) Purpose

The purpose of this Ordinance is to control the issuance and revocation of licenses for the operations of taxicabs in the Town of Camden and regulation of the operation of taxicabs pursuant to those licenses in the interest of protecting the welfare of the citizens of the Town of Camden and of the public.

(3) Definitions

(a) Licensee - For purposes of this Ordinance, "licensee" shall include the holder of a valid license to operate a taxicab or to permit or cause the operation of a taxicab in the Town of Camden.

(b) Taxicab - Any vehicle used or to be used for the transportation of a passenger or passengers for hire from place to place within the Town of Camden or from a place within the Town of Camden to a place outside the Town of Camden shall be deemed a "taxicab" within the meaning of this Ordinance, except a motor vehicle subject to regulation by the Public Utilities Commission of the State of Maine. The capacity of Taxicabs shall not exceed 7 passengers plus a driver shall not be considered a Taxicab.

(c) Licensing Authority - The "licensing authority" for purposes of this Ordinance shall mean the Board of Selectmen of the Town of Camden.

(4) Licensing Requirement

No person shall operate a taxicab in the Town of Camden or permit or cause the operation of a taxicab in the Town of Camden unless that person shall have first obtained from the Town of Camden a taxicab license issued by the Board of Selectmen of the Town of Camden upon a vote of the majority of the Board of Selectmen to issue such a license.

No licensee for a taxicab shall permit or cause any person to operate a taxicab unless that person conforms with the requirements for issuance of a license in accordance with Section 6 of this Ordinance and the information concerning that person set forth in Section 5(e) (f) of this Ordinance has been supplied by that person on forms provided by the Town of Camden for that purpose.

(5) Application for License

Applications for all taxicab licenses shall be made in writing to the Board of Selectmen of the Town of

Camden and the application shall contain the following information on forms provided by the Town of Camden to the applicant:

- (a) The full name of the applicant;
- (b) The full current address and addresses for the prior five years;
- (c) The date and place of birth, age, height, weight and color of eyes;
- (d) A statement granting the Chief of Police the authority to check the criminal records of any law enforcement agency for information concerning the applicant. The applicant must agree to submit to having his fingerprints taken by the licensing authority if it becomes necessary to resolve any questions as to his identity;
- (e) The answers to the following questions:
 - (1) Are you currently under indictment or information for a crime for which the maximum penalty is imprisonment for a period of one year or more than one year?
 - (2) If you have ever been convicted of a crime for which the maximum penalty was at the time, or is now, imprisonment for one year or more, identify the nature of the crime, the date of the Judgment and the sentence imposed by the Court.
 - (3) Are you a fugitive from justice?
 - (4) Are you an unlawful user of or addicted to marijuana or any other drug?
 - (5) Have you been voluntarily or involuntarily committed to a mental institution or received psychiatric in-patient services in a hospital for a period greater than two weeks within the prior five years?
 - (6) Have you been adjudicated to be an incapacitated person pursuant to Title 18-A, Article 5, Part 3 and 4 and not had that designation removed by an order under Title 18-A, Sec. 5-307, Subsection B?
 - (7) Have you been dishonorably discharged from the military forces within the prior five years?
 - (8) Are you an illegal alien?
 - (9) Has your driver's license to operate a motor vehicle been suspended within the prior five years?
 - (10) Have you been convicted of operating a motor vehicle under the influence of intoxicating liquors or operating a motor vehicle under the influence of drugs within the prior five years?
 - (11) Have you been convicted of negligent or reckless driving to endanger within the prior five years?

By affixing his signature to the application, the applicant certifies that the information in the application provided by him is true and correct and that he understands that an affirmative answer to any questions in Subparagraph (e) is a consideration in a refusal to issue the license and that any false statement shall result

in refusal to issue the license and other penalties as provided by law.

(f) The applicant shall submit the following information concerning all drivers that the applicant shall cause or permit to operate taxicabs in accordance with the license granted by this Ordinance:

(1) Full name;

(2) Full current address and addresses for the prior five years; and,

(3) The date and place of birth, age, height, weight and color of eyes of the driver.

(g) The applicant shall cause to be submitted an attachment to be provided by the Town together with the application form which contains the statements and questions set forth in Subparagraph (d) and (e) of this Section 5 of this Ordinance which said questions and information shall be provided by the drivers of the taxicab whom the licensee shall cause or permit to operate taxicabs under that license and this attachment shall be submitted to the Town Office directly by those drivers.

(h) The applicant and any drivers of taxicabs under the license provided by this Ordinance shall submit to being photographed and that photograph shall become a permanent part of the application submitted hereunder.

(i) The applicant shall submit together with the application a certificate of insurance or other proof of insurance showing liability insurance coverage for the applicant and any drivers of taxicabs under this license in an amount not less than \$100,000 each person and \$100,000 aggregate.

(j) The applicant and any driver of a taxicab shall show proof of a current valid Maine driver's license.

(k) The applicant shall submit the required application fees as reflected on the schedule of taxicab application fees, as adopted and amended from time to time by the Select Board. The current schedule of fees shall be attached to this ordinance, as "Schedule A".

The requirements and information set out in this Section of the Ordinance constitute a complete application and no license shall be issued until the receipt of a complete application by the Board of Selectmen.

(6) Requirements for Issuance of a License

The following requirements must be met by the applicant for the issuance of a license for the operation of taxicabs and a license shall be issued to any applicant who meets all of these requirements:

(a) The applicant shall be eighteen years of age or older;

(b) The applicant shall not have been convicted within five years prior to the date of application of a crime which is punishable by a maximum term of imprisonment equal to or exceeding one year;

(c) The applicant shall not be an unlawful user of or addicted to marijuana or any other drug;

(d) The applicant shall not be a fugitive from justice;

(e) The applicant shall not have been adjudicated to be incapacitated person pursuant to Title 18-A, Article 5, Parts 3 and 4 and not had that designation removed by an order under Title 18-A, Sec. 5-307, Subsection B;

(f) The applicant shall not be an illegal alien;

(g) The applicant shall not have been convicted of operating under the influence of intoxicating liquors or operating under the influence of drugs within five years prior to the date of application.

(h) The applicant shall not have been convicted of negligent or reckless driving to endanger within five years prior to the date of the application.

(i) The applicant shall have and maintain at all times a current valid Maine driver's license.

(j) The applicant shall maintain at all times liability insurance coverage for the applicant and any drivers of taxicabs under this license in an amount not less than \$100,000 each person and \$100,000 aggregate.

(k) The applicant has not been convicted of a crime of theft, deception or negotiating a worthless instrument within the last ten years.

(l) The applicant has not been convicted of a crime of gross sexual assault/misconduct/contact, murder, manslaughter, kidnapping, unlawful restraint, assault, aggravated assault, criminal threatening, terrorizing, stalking, reckless conduct, visual sexual aggression, criminal violation of a protection from abuse Order, criminal violation of a protection from harassment Order, unlawful sexual aggression, or unlawful sexual contact/touching, within twenty years of the date of application.

(m) The applicant shall permit or cause the operation of taxicabs only by drivers who at all times meet and comply with the requirements set forth in Section 6.

(7) Issuance of First License

Upon receipt of a complete license application, the Selectmen shall issue the license to the applicant only in the event that the applicant meets all of the requirements set forth in Section 6 of this Ordinance. In the event that the applicant does not meet the requirements of this Ordinance for issuance of a license, the Selectmen shall issue a determination in writing based upon the evidence submitted to the Selectmen by the applicant in connection with the application and all evidence available to the Selectmen based upon inquiry by the municipal officers or the Chief of Police of the Town of Camden of evidence recorded by a government entity.

A license issued under this Ordinance shall be valid for a period of one (1) year from the date of issuance of the license.

Each license issued shall contain the name, address, and photograph of the applicant. Each license issued shall contain the name, address and photograph of each driver of a taxi who shall be permitted or caused to operate a taxicab under the license by the applicant.

The licensing authority shall issue a license or deny, and reply in writing as to the reasons for any denial of a license, within thirty (30) days of the date of receipt of a complete application for a license.

(8) Renewal of License

At the expiration of a first license to operate taxicabs in accordance with this Ordinance, a licensee may apply annually for a renewal of that license by submitting a certification to the licensing authority that the information contained in the first application for a license has not changed; that that information is true and correct as of the date of renewal of the license; or a statement in writing of any changes or corrections in the information presented in the original application for a license as of the date of renewal.

In the event that the applicant continues to conform with all of the standards in Section 6 of this Ordinance at the time of renewal, then the Selectmen shall renew the license for an additional period of one (1) year. In the event that the applicant does not meet the requirements of this Ordinance for issuance of a license as of the date of renewal, then the Selectmen shall issue a determination in writing based upon evidence of the type set forth in Section 7. The licensing authority upon denial of any renewal of a license shall reply in writing as to the reasons for that denial within thirty (30) days of the date of receipt of an application for renewal.

(9) Revocation or Suspension of License

The licensing authority may, after a hearing and notice to the applicant, suspend or revoke any license for a taxicab which has been issued under this Ordinance on the grounds that there has been a material misstatement made on the application, or that the applicant has violated the requirements of this Ordinance, or that the applicant has become ineligible to make an application under this Ordinance.

To the extent required by law, and in particular Title 1, MRSA, Sec. 401 through Sec. 410, any hearing pursuant to this Section of the Ordinance shall be public. To the extent that any hearing pursuant to the Ordinance involves information that is made confidential by law, the hearing or portion of the hearing involving confidential information shall not be made public unless the applicant agrees to authorize the release of that information or a public discussion of that information.

No person, otherwise qualified, who has had a license revoked pursuant to the provisions of this Section is eligible for reapplication until the expiration of thirty (30) days from the date of revocation.

In the event that the licensing authority suspends or revokes a license pursuant to this Section, the licensing authority shall within seven (7) days of the date of hearing issue a written statement specifying the grounds for revocation of the license or suspension of the license. With regard to the suspension of the license, the specific time period of the suspension shall be stated in the written statement of suspension.

(10) Display of License

Every licensee shall have a license displayed in all vehicles operated as taxicabs under the terms of this license and shall display this license on demand to any law enforcement officer.

(11) Taxicab Operators

A licensee shall not cause or permit any person to operate a taxicab under the applicant's license in the event that that person does not meet the requirements contained in this Ordinance or in the event that the applicant has not provided the information concerning that person to the licensing authority as required in this Ordinance.

(12) Confidentiality

To the extent required by law, and in particular Title 1, MRSA, Sec. 401 to 410 and Title 16, MRSA, Sec. 611 through 622, all applications, refusals and supporting documentation received pursuant to the application section of this Ordinance are confidential and may not be made available for public inspection or copying. The individual may waive this confidentiality by written notice to the issuing authority. All proceedings relating to the granting, denial or revocation of permits are not public proceedings to the extent that those proceedings are not public by law, unless otherwise requested by the applicant.

(13) Record of License

The licensing authority shall make a permanent record of each license for a taxicab in a suitable book or file kept for that purpose. The record shall include the date of issuance, the name, age, sex and street address of the licensee, and shall be available for public inspection.

(14) Conspicuous Identification

Every taxicab owner thus licensed shall have the word "taxi" and the town license number plainly painted in a conspicuous place on each and every taxicab operated by him in letters not less than two (2) inches in height.

(15) Parking Spaces

A licensee for the operation of taxicabs and any employee thereof operating or driving a taxicab shall only park a taxicab in spaces designated by the Board of Selectmen within the business district of the Town of Camden. The business district is as defined in the Zoning Ordinance of the Town of Camden.

Other taxicabs owned by a licensee shall be parked on outlying streets until they are called into service or until the stand in the business district is vacant.

(16) Penalty

Whoever violates a provision of this Ordinance by operating a taxicab without a license shall be punished by a fine of Five Hundred Dollars (\$500) for the first offense and One Thousand Dollars (\$1,000) for each subsequent offense to be recovered on complaint to a court of competent jurisdiction, to the use of the Town of Camden. Each instance of operation of a taxicab without a license shall be deemed a separate offense.

In the event of operation of a taxicab without a license, the Town shall be authorized to seek an injunction from a court of competent jurisdiction to prohibit further operation of taxicabs without a license by a person who has unlawfully operated taxicabs in the Town of Camden without a license.

(17) Separability

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

(18) Effective Date

This Ordinance shall become effective immediately upon enactment by the municipal officers. (See below.)

Historical Note: Accepted August 8, 1983. Effective October 1, 1983. Amended June 13, 2006, Amended November 4, 2008.

State Law Reference: 30 MRSA, Sec. 1917, Sec. 2151; 35 MRSA, Sec. 908, Sec. 1642; 29 MRSA, Sec. 1367; 17 MRSA, Sec. 3204

Schedule A
TOWN OF CAMDEN
Taxi Cab Fees

Taxi Cab Business License Application	56.00
(This includes one driver and Criminal Background Check)	
Each Additional Taxi Cab	5.00
Taxi Cab Driver Application	56.00
(This includes Criminal Background Check)	

NOTE: If you are applying for a Taxicab Business License or Taxicab Driver Application with the City of Rockland, the fee for the Criminal Background Check can be waived. To do this, you must furnish a notarized copy of the Criminal Background Check done by the Rockland Police Department with this application. The copy of the background check can be no more than thirty (30) days old.

This payment schedule is part of Chapter VIII Town of Camden Police Ordinance, Part VI Licensing Taxicabs and the Regulation of the Operation of Taxicabs

Adopted by the Camden Select Board on December 9, 2008; amended by the Camden Select Board on February 3, 2009

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

PART VII

Effect of and Short Title of Ordinances

Effect of Ordinance

If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Repeal

The former ordinance of this Town of Camden, Maine is hereby repealed, and all ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

Publication of ordinance

The Town Clerk shall certify to the passage of this ordinance and cause the same to be published in the Camden Herald.

Short Title

This ordinance shall be known and cited as the Camden Ordinance.

Effective date

This ordinance shall take effect from and after the 26th day of Sept., 1966.

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

PART VIII

Ordinance Regulating Parking of Commercial Haulers of Trash and Travel by Commercial Haulers of Trash

(1) Pursuant to Title 30, Maine Revised Statutes, Sec. 2151(3), an ordinance for the regulation of parking and travel by commercial haulers of trash, garbage and refuse on public ways in the Town of Camden is hereby enacted. The purpose of this ordinance is to prevent litter on public ways of garbage, trash and refuse by commercial haulers and to curtail parking in downtown areas of vehicles loaded with unsightly and odorous trash, garbage or refuse.

(2) No commercial hauler of trash, garbage or refuse shall park a vehicle used for the transportation of trash, garbage or refuse unattended for more than fifteen (15) minutes in the downtown area of the Town of Camden on a public way.

For purposes of this ordinance, the downtown area shall be considered to be the following portions of the named streets: the portion of downtown from the intersection of Elm Street and John Street to the intersection of High Street and Sea Street; the portion of Chestnut Street from the intersection of Elm Street and Chestnut Street to the intersection of Chestnut Street and Limerock Street; the portion of Bay View Street from the intersection of Main Street and Bay View Street to the intersection of Bay View Street and Limerock Street; all of Commercial Street; the Public Landing; the portion of Washington Street from the intersection of Elm Street and Washington Street to the intersection of Washington St. and Mechanic Street; the portion of Mechanic Street from the intersection of Elm Street and Mechanic Street to the intersection of Mechanic Street and Washington Street.

(3) At all times when a vehicle carrying trash, garbage or refuse is moving on a public way within the Town of Camden, a commercial hauler shall cause that trash, garbage or refuse to be secured and to be completely covered so that such trash, garbage or refuse does not litter the roadway. The commercial hauler or any employee or agent thereof shall assure that at all times no trash, garbage or refuse is permitted to fall to the roadway during the operation of the vehicle transporting that trash, garbage or refuse.

(4) For purposes of this ordinance, a commercial hauler shall mean any corporation, partnership, firm, individual, or any other business entity operating a business for the hauling and transporting of trash, garbage and refuse for profit. A commercial hauler shall be responsible for any actions of an employee or agent thereof in connection with the commercial hauling of trash, garbage or refuse.

(5) Penalty: Any person, firm or corporation violating any provision of this ordinance shall be fined not less than \$100 or more than \$250 for each offense. All fines and penalties shall be recovered on complaint by the Town before a court of competent jurisdiction to the use of the municipality.

Historical Note: Adopted July 23, 1984

State Law Reference: 17 MRSA, Sec. 2266; 29 MRSA, Sec. 1752

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

PART IX

Ordinance for the Regulation of Running Road Races

General

This Ordinance shall be known and may be cited as an ordinance for the Regulation of Running Road Races. This Ordinance is codified to the General Police Powers of the Town of Camden.

Purpose

The purpose of this Ordinance is to control the issuance of permits and the standards of operation for the conduct, sponsoring and management of running road races within the Town of Camden, and to assure that acceptable safety standards are observed and enforced in connection with such races.

Definitions

- A Running Road Race - A "running road race" is defined as any recreational or promotional event in which individuals, by invitation or otherwise, are permitted to utilize the public ways for running, competitively or otherwise, under the sponsorship of any individual, organization or other entity as defined herein. Without limiting the generality of the foregoing, it is the intent of this Ordinance to include in the definition of "running road race" any event organized for the purpose of permitting or encouraging the public, or individuals by invitation to participate in such a race, for any reason. This Ordinance shall also include within its purview any biathlon, triathlon, or similar multi-event activity which includes a running road race.
- B. Sponsor - For purposes of this Ordinance, "sponsor" shall mean the individual, organization, business or other entity organizing, promoting, advertising, or otherwise originating a running road race, for any purpose.

Permit Required

No running road race shall be conducted within the municipal limits of the Town of Camden, in whole or in part, until the sponsor of such running road race shall have obtained a permit with approval from the following: Camden Parks and Recreation Director, Camden Chief of Police, Camden Fire Chief and President of the Camden First Aid Association. If said approval is not obtained, an appeal to the Camden Select Board may be made.

Minimum Safety and Organizational Standards

Any running road race or like event within the meaning of this Ordinance shall comply with the following minimum safety and organizational standards, which standards shall be promulgated by the Town of Camden and made available to sponsors in connection with issuance of permits:

- (a) Any running road race, biathlon, triathlon or like event in which the running course exceeds five (5) miles, may be conducted only if, by arrangement of the sponsor and at the sole expense of the sponsor, an ambulance and customary ambulance personnel are present at or upon the site of the event during the event.

(b) Any running road race, biathlon, triathlon or like event occurring between May 1 and October 1 shall have a starting time prior to or at 9 a.m., or at or after 6 p.m.

(c) No running road race, biathlon, triathlon or like event shall be conducted unless Penobscot Bay Medical Center, and Camden First Aid Association, shall have been notified of such event, including the particulars of the event schedule, route, and related details, at least four (4) weeks prior to the date of such event. Notwithstanding this requirement, a sponsor may arrange for availability of an ambulance and ambulance personnel with any ambulance service company.

(d) Any running road race, biathlon, triathlon, or like event shall be conducted in full compliance with guidelines established by the American College of Sports Medicine, or alternatively, by such guidelines as may be specifically established and promulgated by the Town of Camden.

Liability Insurance

At the request of the municipal officials, the Town may require as a condition of the issuances of any municipal permit for a road race that the sponsor provide liability insurance in a form satisfactory to the municipal officers to protect the municipality from any claim resulting from the conduct of a road race within the boundaries of the Town roads or public ways in the Town of Camden.

Historical Note: Adopted March 9, 1987

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

PART X

ORDINANCE REGULATING PLACEMENT OF NEWSPAPER RACKS AND BOXES

Preamble

The Town of Camden hereby adopts the following Ordinance to regulate the placement and location of newspaper racks and boxes within the public rights of way and sidewalks in the Town of Camden. The purpose of this Ordinance is to reduce congestion and unsightly clutter on sidewalks and to keep sidewalks clear for safe and convenient travel by pedestrians.

Authority

This Ordinance is enacted pursuant to the Home Rule Authority granted to the Town in accordance with provisions in Titles 30-A M.R.S.A., Section 3001.

Definitions

Newspaper

A publication or news periodical containing news reports, editorials, or other information circulated within the Town of Camden on a daily, weekly, or any other regular basis.

Newspaper Rack or Box

Any self-service mechanical or coin operated box, container, or storage unit or other dispenser installed, used or maintained for the display of newspapers.

Public Way

Any street, Town road or Town way accepted by the Town of Camden or within the control of the Town of Camden.

Sidewalk

Any public sidewalk of the Town of Camden within the control or ownership of the Town.

Location Permit

The Board of Selectmen of the Town is hereby authorized to issue a permit for the placement of newspaper racks and boxes on sidewalks of the Town of Camden or adjacent to public ways, upon submission of an application which clearly demonstrates conformity with the requirements set forth below.

No newspaper rack or box shall be placed, used or maintained as follows:

- a. in any location within fifty feet of the location where two newspaper racks or boxes are already located in order to reduce congestion at any particular site;
- b. in a manner which reduces the clear, continuous sidewalk width to less than six feet;
- c. within twenty feet of any fire hydrant or other emergency facility;

- d. within ten feet of any marked pedestrian crosswalk;
- e. within ten feet of any intersecting driveway, alley or street; and
- f. in a manner which interferes with ingress or egress from private property or public facilities.

Construction and Design

Newspaper racks or boxes shall be constructed of metal or other material of substantially equivalent strength and durability, and shall not be more than fifty inches in height and not more than twenty-five inches in length and width. The news paper rack or box shall not be painted in florescent or gaudy paint or coloring.

Placement of Newspaper Racks or Boxes Within Public Sidewalk- Newspaper racks and boxes shall be placed either adjacent and parallel to building walls not more than six inches distant from the vertical plane of the wall or near and parallel to the sidewalk curb, not less than twelve inches and not more than twenty-four inches distant from the curb, subject to the requirement that the placement of any such newspaper rack or box shall not cause a safety hazard for pedestrian traffic or vehicular traffic by obstructing the view of such traffic from the public way. No newspaper rack or box shall be placed within three (3) feet on either side of the area directly in front of a display window which faces onto a public sidewalk or public way.

No newspaper rack or box shall face another newspaper rack or box divided only by the width of a sidewalk or pedestrian walk and no such newspaper rack shall be placed within twenty (20) feet on either side of a point which is directly opposite the center of a newspaper rack or box on the opposite side of a sidewalk.

No Advertising

No such newspaper rack or box shall be used for advertising signs or publicity purposes other than to display information for purposes of identifying the newspaper publication sold in the rack or box.

Attractive Appearance

Each newspaper rack or box shall be maintained at all times in a clean, neat and attractive condition and in good repair, and no issue or edition of any publication shall be allowed to remain in that newspaper rack or box for a period of time in excess of seven days from the date of initial publication. The owner of the newspaper rack or box shall ensure that snow in front of the box is removed so that the box is accessible during the winter.

Attachment to Other Property

No newspaper rack or box shall be chained, bolted or otherwise attached to property not owned by the owner of the newspaper rack or box, unless that owner shall at first obtain the written permission of the owner of property to which the rack or box is affixed.

Approval Process

Within twenty days of receiving an application for a permit, the Board of Selectmen shall notify the applicant whether the application is complete. The application will specifically show the location of the proposed newspaper rack or box on a sketch or diagram, and will show the design and construction of that rack or box

together with any lettering thereon. If the application is determined to be incomplete, the Board of Selectmen shall notify the applicant in writing of the specific information necessary to complete the application. It shall be the responsibility of the applicant to provide the information required in the application. Within fourteen (14) days after the application is determined to be complete, the Board of Selectmen shall decide whether or not to issue the permit.

Standards for Issuance of Permit

In accordance with the approval procedure of Section 8.0, the Board of Selectmen shall issue a permit to any applicant who clearly demonstrates conformity with the location requirements and other requirements of this Ordinance for the placement of a newspaper rack or box.

Application Fee

At the time of presentation of application, the applicant shall pay an application fee of ten (\$10.00) dollars to cover the cost of processing the application. One application with one fee may be used to obtain permission for the placement of no more than three newspaper racks or boxes owned by the same newspaper or publication in three separate locations.

Non Transferable

Any permit issued under this Ordinance shall not be transferable to any other newspaper or publication.

Term

The term of the permit shall be for a period of one year, however, the permit shall be renewable for periods of one year each year thereafter upon submission of a renewal application clearly demonstrating continued conformity with the requirements set forth in this Ordinance. The renewal of this license does not require submission of an additional renewal application fee.

Revocation of Permit

The Board of Selectmen shall enforce this Ordinance and may revoke the permit of any permittee who violates the provisions of this Ordinance. The Board of Selectmen may revoke or suspend a permit for any period of time during which the permittee has failed to comply with the provisions and specifications set forth in this Ordinance.

Appeal

An aggrieved party may appeal any decision of the Board of Selectmen to issue a permit, deny a permit, or revoke a permit or suspend a permit, to the Superior Court within thirty days of the date of a written decision. In all instances, the Board of Selectmen shall issue a written decision and such decision shall be sent to the applicant or permittee.

Duration

Any permit for placement of a newspaper rack or box shall require that the newspaper rack or box remain in the approved location for at least nine months out of the twelve months for every licensed year in order to avoid temporary placement of such racks and boxes for time periods of short duration.

Liability Protection

The issuance of a permit under this Ordinance shall require that the newspaper owner agree to indemnify and hold harmless the Town of Camden from any damage to persons or property resulting from the placement of that newspaper rack or box within the sidewalk. The permit shall also require a release by the newspaper owner of the Town from any liability for damage to the property of the newspaper rack or box resulting from routine maintenance or plowing of the sidewalk or the public ways by the Town.

Prohibition on Display of Obscene Materials

No person shall display or exhibit in any newspaper rack or box, other than from a location from which minors are excluded, any lewd, or obscene material or pictures, unless a device commonly known as a "blinder rack" is placed in front of the lewd or obscene materials or pictures so that the parts of those materials or pictures that are lewd or are obscene cannot be viewed from outside the newspaper rack or box. For purposes of this Ordinance, lewd or obscene materials shall be any written materials or photographs which are defined as sexually explicit materials within the meaning of Title 17, M.R.S.A. Section 2923 and any obscene materials within the meaning of Title 17, M.R.S.A. Section 2912 (B).

Penalties

Any person who violates provisions of this Ordinance or fails to seek a permit or renewal which is required by this Ordinance shall commit a civil violation for which a penalty of one hundred (\$100.) dollars may be adjudged, upon a complaint by the municipality to the District Court. Each day of continued violation shall constitute a separate offense which subjects the violator to a penalty of one hundred (\$100.) dollars for each day of violation.

Severability

The provisions of this Ordinance shall be severable. If any portion of this Ordinance is held to be invalid, the remainder of this Ordinance and its application thereof shall not be affected.

Other Laws and Ordinances

In addition to compliance with this Ordinance, the permittee or any person subject to this Ordinance, must also comply with all other laws and Ordinances affecting the placement of newspaper racks and boxes, specifically including the Zoning Ordinance in the Town of Camden.

Historical Note: Adopted June 14, 1994.

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

**Part XI
NG-911 Addressing Ordinance**

Section 1 – Title

This ordinance will henceforth be known as the “NG-911 Addressing Ordinance.”

Section 2 – Purpose

The purpose of this ordinance is to permit the Town of Camden to establish names for roads which are not confusing, which do not duplicate of other road names, and which avoid multiple names for the same road; and to number structures and dwellings on new or existing parcels within the town. Confusing road names and numbers adversely affect the provision of police, fire and ambulance services for the Town of Camden.

Section 3 – Authority

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

NAMING

Section 4 – Administration

This ordinance shall be administered by the NG-911 Street Addressing Officer (henceforth to be known as SAO) who is authorized to assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Sections 6 and 9. The SAO shall be responsible for maintaining the following official records related to this ordinance:

- A. Municipal maps showing road names and numbers;
- B. An alphabetical list of all property owners as, identified by current tax records;
- C. An Alphabetical list of all roads with property owners listed in order of their assigned numbers.

The Town Manager shall appoint the SAO for a term of one to three years, and the SAO shall be responsible for and authorized to provide all required addressing and database information to the state agency responsible for the implementation of Next Generation 911 service. The SAO may also seek advice from the Fire Chief, Police Chief, Assessor and Code Enforcement Officer in to assist in determining when a driveway or private road shall be assigned a name, as well as the assignment of some street numbers to properties. All decisions of the SAO in the administration of this Ordinance shall be final and are not subject to appeal.

Section 5 - Definition of Private Road

For purposes of this ordinance, a private road shall mean any unaccepted right of way for access to a lot or lots, whether developed or undeveloped, within the Town of Camden.

Section 6 - Naming System

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

- A. No two roads shall be given the same name (ex. Pine Road and Pine Lane)
- B. No two roads shall have similar-sounding names (ex. Beech Lane and Peach Lane).
- C. No road name shall contain vulgar language.
- D. Each road shall have the same name throughout its entire length.

Public subdivision roads shall be named by the developer as part of the subdivision review process, following approval by the SAO.

All requests for naming private roads shall first be submitted to the SAO with the following documents:

- A. A written request stating the proposed name;
- B. A plan of the road showing all abutting parcels, the road length and width;
- C. Relevant deeds;
- D. Sign-offs from the Fire Chief and Police Chief;
- E. Documentation from the neighboring municipality as to the official name of the road if it crosses a town line.

Section 7 – Subdivisions and Other New Construction

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

- A. *Subdivisions* - A proposed subdivision shall show the lot numbering system on the preliminary and final plan submission to the Planning Board. The numbering system shall be indicated with lines or dots in the center of the proposed street, every 50 feet. Approval of the numbering system by the SAO and final approval of the subdivision by the Planning Board shall constitute the assignment of numbers to lots in the subdivision.
- B. *Other New Construction* - Whenever any residence or other structure is constructed or developed, it shall be the responsibility of the new owner to obtain an assigned number from the SAO. *This shall be done at the time of the issuance of the building permit.*

Section 8 – Effective Date of Designation of Official Name

The designation of an official name for a private road shall be effective immediately after the approval by the SAO.

Each private road shall have a posted road sign at each intersection with another public or private way. Once effective the applicant will be given contact information for ordering a street sign; as well as directions for installation. The property owner(s) or developer(s) along a private road shall bear the responsibility for properly installing the road sign(s) as well as the costs of signage for the road. Applicants are strongly encouraged to contact the Department of Public works with questions or concerns for further installation guidance.

The official road name shall be used for all purposes for the provision of municipal services by the Town of Camden and shall also be reported to the U.S. Postal Service for consideration in connection with delivery of mail. Police, fire and ambulance dispatching services shall use that official road name in all official business.

NUMBERING

Section 9 – Numbering

All numbering should comply with these guidelines to the greatest practical extent. When faced with unusual circumstances, addressing decisions shall provide for the shortest possible route and the most accessible, clearly identified location for public safety personnel to reach citizens in need. The following criteria shall govern the numbering system:

- A. Numbers shall be assigned at 50 (fifty) foot intervals along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, as the numbers ascend.
- B. All number origins shall begin at the center of town or at the end of a road closest to the designated origin. Numbering of cross roads shall ascend, from the most heavily traveled road. Semi-circular

roads shall be numbered from the intersection closest to the center of Town. Cul-de-sacs shall be numbered as if the centerline of the road bisects the cul-de-sac. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.

- C. The number assigned to each structure shall be that of the numbered interval falling closest to the front door, however, the SAO may assign a number adjacent to the driveway, when necessary. Buildings on the corner of two roads, with a single entrance, shall be assigned a number adjacent to the front of the structure, as determined by the SAO. *Street numbers shall not include alphas, hyphens, sub-numbers or fractions.*
- D. Numbering System
 - a. Every structure with more than one principle use or occupancy shall have one primary street number and a separate [STE or APT] number for each use or occupancy.
 - i. Multifamily dwellings, apartments and multiple offices.
 - 1. Residential units shall be designated by an apartment (APT) number.
 - 2. Commercial units shall be designated by a suite (STE) number.
 - b. Each unit in a duplex or condominium shall have a separate number.
 - i. If separate numbers are not available the structure will have one primary street number and separate (UNIT) unit numbers.
 - c. Single story buildings and buildings in which each apartment or suite has a first floor entrance, shall number the units beginning with #1 (i.e., 4 Privet Drive, STE #1, #2, #3).
 - d. Buildings with apartments/suites that do not have first floor entrances shall designate the floor with the first digit and the unit number with the second digit (i.e., 45 Gray Street, Apartments #29, #34). Floors with more than 9 units shall designate each unit with a three digit number (i.e., 2 Black Street, STE #101, #212, #325).
 - e. Buildings located on two streets with separate street addresses shall **number** all units sequentially by floor as if the building had a single street address.
 - f. Dwelling units within accessory or secondary structures on a parcel must each have their own addresses.

Section 10 - Compliance

All owners of structures shall display and maintain assigned numbers in a conspicuous place on said structure that is visible at all times of the year, in the following manner:

A. *Number on the Structure or Residence.*

Where the residence or structure is located within 50 (fifty) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence or structure in the vicinity of the front door or entry. If not clearly visible, then the number shall be located so that it is visible.

B. *Number at the Road Line.*

Where the residence or structure is more than 50 (fifty) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, mailbox, or other structure at the property line adjacent to the walkway or access drive to the residence or structure.

C. *Size, Color, and Location of Number.*

All street numbers shall be a minimum of 4 inches in height and shall contrast with the background. Numbers shall be located to be visible from the road at all times of the year.

D. Owners of buildings with multiple apartments or suites are requested to provide a directory at the main entrance, listing the location of units by floor.

Section 11 – Enforcement

Non-compliance may cause a fine of up to \$100 per day until resolved, per Title 30-A MRSA § 4452.3, to be levied.

Section 12 – Effective Date

This amended ordinance was adopted at the Annual Town Meeting on June 15, 2016.

Historical Note: Originally adopted November 8, 1994

Amended June 14, 2005

Amended June 15, 2016.

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

PART XII

PUBLIC NOISE AND CONDUCT ORDINANCE

Section 1 - Preamble

In accordance with the provisions of Title 30-A, Section 3001 of the Maine Revised Statutes, and by the authority granted therein under Section 3001, for the purpose of promoting the general welfare and providing for public safety and convenience, the Inhabitants of the Town of Camden adopt this Noise Ordinance.

The Town of Camden has determined by virtue of complaints to the Police Department and the Board of Selectmen from citizens, downtown merchants, and visitors to the Town, that certain conduct within portions of the Town designated in this ordinance, is preventing persons residing within those areas from fully enjoying their property and having a reasonable degree of quiet, particularly during nighttime hours, and is also preventing members of the public from enjoying public parks and other public spaces.

The Town further finds that reasonable regulations concerning noise are necessary in order to preserve a downtown area which is attractive to customers, visitors and residents and maintains a non-threatening environment within the downtown area, including public parks and public spaces.

The Town further finds that existing state laws and regulations do not fully and adequately address the difficulties experienced within the Town of Camden which are sought to be addressed by this ordinance, and that enforcement of such laws and regulations, when brought by officials not associated with the Town of Camden, is not sufficiently vigorous or timely in order to resolve the difficulties experienced in the Town.

Accordingly, exercising the home-rule powers conferred upon the Town, the Town does hereby adopt the following ordinance, which shall be referred to as the "Public Noise and Conduct Ordinance".

Section 2 - Prohibited Conduct and Acts

The following acts undertaken within the designated area of the Town of Camden as set forth in Section 4.0 (Exhibit A), are hereby declared to be a violation of this ordinance:

2.1 - Unreasonable, Loud and Raucous Noise

Yelling, shouting, hooting, whistling, singing, or the production of any other noise, in a loud and raucous manner, between the hours of 11:00 PM and 7:00 AM on the following morning within the area set forth in Section 4.0 (Exhibit A), so as to unreasonably annoy or disturb the quiet, comfort, or repose of any persons located more than fifty feet (50') from the source of that noise shall be prohibited.

2.2 - Obstructions of a Public Way

Knowingly and intentionally causing an unreasonable obstruction of a public way, road, street, sidewalk or walkway in a public park shall be prohibited within the designated area of the Town of Camden as set forth in Section 4.0 (Exhibit A).

2.3 - Unreasonably Loud Sound Production

The playing, using or operating of any radio, receiving set, musical instrument, or other machine or device for the production or reproduction of sound in such a manner as to unreasonably annoy or disturb the peace, quiet, comfort or repose of any other person located more than fifty feet (50') from the source of that sound shall be prohibited between the hours of 11:00 PM and 7:00 AM the following morning within the area set forth in Section 4.0 (Exhibit A).

2.4 - Unreasonable Sounds from Horns or Signaling Devices

The sounding of any horn or signaling device for an unnecessary or unreasonable length of time or for a purpose not associated with the proper and legitimate signaling activity undertaken in conjunction with the operation of a motor vehicle shall be prohibited within the areas set forth in Section 4.0 (Exhibit A).

2.5 - Unacceptable Noise Levels

Any sound level exceeding 65dBA when measured at the property line and persisting for 5 minutes or more between the hours of 11:00 p.m. and before 7:00 a.m., is prohibited unless a permit has been obtained for a specific event.

Section 3 - Enforcement Procedure

3.1 Any violations of this ordinance shall be a civil violation, which shall be prosecuted through the issuance of a civil summons by the Camden Police Department in the same form and in the same manner of prosecution as would be the case with a parking violation. The regulations governing prosecution of parking violations are set forth in the Camden Code, Chapter VIII, Section 15-A, subsection 1. Actions shall be prosecuted by the Camden Police Officers or by the Town Attorney in the District Court for Knox County, located in Rockland, Maine.

3.2 For any first violation of this ordinance, there shall be a civil fine or penalty imposed in an amount not less than Fifty Dollars (\$50.00) and not more than One Hundred Dollars (\$100.00). Each subsequent violation of this ordinance within a period of two (2) years from the date of the first violation, shall result in the imposition of a minimum civil fine or penalty of One Hundred Dollars (\$100.00) and a maximum fine or penalty of Two Hundred Fifty Dollars (\$250.00).

3.3 In addition to civil penalties for any violation of this ordinance, the Court shall require the violator to pay the Town reasonable attorney's fees incurred in connection with the prosecution of the violation, together with costs and filing fees incurred by the Town in connection with that prosecution.

Section 4 - Designated Area

The provisions of this ordinance shall apply to all areas of the Town of Camden.

Section 5 - Reparability

In the event that any provision of this ordinance shall be held illegal, it is intent that all remaining provisions of this ordinance, which are not declared illegal, shall remain in full force and effect.

EXHIBIT A
Designated Area

The designated area of this ordinance shall be:

1. All streets and ways or portions of streets and ways:

2. All public sidewalks, public ways, public walkways, public parks, and real property owned by the Town of Camden or other public entity which abut such streets or ways. "Public parks" shall include, without limitation, Harbor Park and the dam site, the Camden Public Library grounds and Amphitheater, the Village Green, and the Public Landing.

Historical Notes: Adopted June 13, 1995 at Town Meeting

Amended November 8, 2016 at Special Town Meeting

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

PART XIII

SIDEWALK ORDINANCE

SECTION 1 - PREAMBLE

The Town of Camden hereby adopts the following Ordinance to regulate the placement and location of obstructions on sidewalks or adjacent to public ways in the Town of Camden. The purpose of this Ordinance is to reduce congestion and unsightly clutter of sidewalks, to keep sidewalks clear for safe and convenient travel by pedestrians, and to protect the Town from claims of liability based upon the placement of obstructions on sidewalks.

SECTION 2 - AUTHORITY

This Ordinance is enacted pursuant to the Home Rule Authority granted to the Town in accordance with the provisions in title 30-A M.R.S.A., Section 3001, as amended from time to time.

SECTION 3 - DEFINITIONS

- 3.1 BENCH - A privately-owned bench placed on a sidewalk, including any structure on which patrons of businesses and members of the public can sit for the convenience of such individuals.
- 3.2 OBSTRUCTION – A bench, seating object, flower boxes, display of stock in trade, or other object placed by a person which hinders or impedes the free and uninterrupted passage of pedestrians and any public works equipment upon any sidewalk, included in this definition is any sign, awning or architectural feature that is located less than seven (7) feet in height as measured from the sidewalk surface. See also MRSA 17A Section 505 and Appendix A Ordinance Regulating Placement of Newspaper Racks and Boxes. Historical Note: Adopted June 14,1994.
- 3.3 PERSON - A natural person, corporation, partnership, or business entity.
- 3.4 PUBLIC WAY - Any street, Town road, public easement or Town way accepted by the Town of Camden or within the control of the Town of Camden.
- 3.4 SALE – The exchange of any object of merchandise or food for any form of consideration, whether at retail or wholesale, regardless of whether a profit is made
- 3.5 SIDEWALK - Any public improved path for pedestrians abutting a public way of the Town of Camden within the control or ownership of the Town.
- 3.6 STRUCTURE – Anything constructed or erected adjacent to, on, or above the sidewalk.

SECTION 4.0 – OBSTRUCTIONS TO PUBLIC PASSAGE

- 4.1 No person shall place any obstruction within the bounds of a sidewalk unless otherwise permitted under this or any other Ordinance of the Town of Camden. An object shall be an

obstruction if its placement causes less than 48 inches (48") of uninterrupted pedestrian space to remain between the object and the edge of the sidewalk, or any power pole, light pole, utility fixture, seasonal trash collection container, or cigarette butt collection container, as located in the sole discretion of the Town, closest to the road, with the exception that the Select Board may grant a waiver of this provision for pre-existing access requirements to established businesses or for non-hazardous pre-existing awnings, benches or architectural features. An object shall also be an obstruction if the Select Board determines that the particular object, where located, meets the definition of "obstruction" as set forth in Section 3.2 of this Ordinance.

- 4.2 Notwithstanding Section 4.1, no object shall be placed at a distance greater than 6 inches from an existing structure, so as to maintain the maximum amount of passage for pedestrians on the sidewalk.
- 4.3 SPECIFICALLY PROHIBITED LOCATIONS - No object shall be placed, used or maintained as follows:
 - a. Within ten feet of any fire hydrant or other emergency equipment or facility;
 - b. Within seven feet of any marked pedestrian crosswalk as measured from the point of intersection between a crosswalk and the sidewalk curbing closest to the intended location of said object;
 - c. Within five feet of any intersecting driveway, alley or street;
 - d. In a manner which interferes with ingress or egress from private property or public facilities;
 - e. Such that the placement causes a safety hazard for pedestrian traffic or vehicular traffic or obstructs the view of such traffic from the public way; and
 - f. For advertising, as a sign or for publicity purposes.
- 4.4 Other Restrictions and Conditions
 - a. All objects shall be maintained by the owner of the object at all times, in a clean, neat and attractive condition and in good repair. The area around said object shall be kept free of debris and litter at all times.
 - b. No object shall be placed within, in on or over the sidewalk from November 1 through April 30 of each year in order to allow winter maintenance and plowing;
 - c. No sign, awning or architectural features shall be located less than seven (7) feet in height as measured from the sidewalk surface.
 - d. Notwithstanding any provision of this Ordinance, all objects (excluding existing or future permitted signage) lawfully placed within, in, on or over a sidewalk shall be removed between November 1 and April 30 of each year.
 - e. No person shall permit graffiti nor unauthorized lettering or words to be placed or remain on any object located on or above the sidewalk.

SECTION 5 – BENCHES

No person shall place, locate, or install a bench on a sidewalk, as defined in this Ordinance, unless the bench meets the following requirements:

- 5.1 Location – See Sections 4.1, 4.2, 4.3, and 4.4 above- all said restrictions and conditions shall apply to benches
- 5.2 Proximity to Adjacent Premises

Any bench authorized pursuant to this Section shall be located in front of the business premises and within six inches of the building in which the business premises is located. There shall be only one bench for each business premises adjacent to the sidewalk. Businesses that can accommodate more than one bench shall maintain a minimum separation of five (5) feet between benches.

- 5.3 Design - Benches shall be constructed primarily of wood and shall have sufficient strength and durability to serve the intended purpose of providing seating and a resting area for patrons of a business and for members of the public. The seat shall not be more than 20 inches in height and not more than 6 feet in length and 24 inches in depth; the overall height of the bench shall not exceed 40 inches.

SECTION 6 – PLACING STOCK IN TRADE ON SIDEWALKS

No person carrying on any business for the sale of goods, wares or merchandise shall at any time place any part of their stock in trade upon any town sidewalk adjoining their buildings or upon any shelf, stand or bracket extending over said sidewalk. The Select Board may, however, authorize the temporary placement of stock in trade on a sidewalk for the purposes of an organized and scheduled town or area-wide sidewalk event, or any other special permitted annual or seasonal event. Such event may include tables for non-profit groups, provided permission is granted by the owner/occupant of the business premises where the table(s) would be located. (See also Appendix A Ordinance Regulating Placement of Newspaper Racks and Boxes. Historical Note: Adopted June 14, 1994.

SECTION 7 – GRANTING OF PERMISSION ON A TEMPORARY BASIS

- 7.1 Notwithstanding any other provision of this Ordinance, the Town Manager may grant permission on a temporary basis for scaffolding, ladders and other property, construction, repair or maintenance equipment to be located within, upon or over a sidewalk; the duration and scope of permission shall be provided in writing to the applicant, in the Town Manager's sole discretion. The Town Manager shall consider safety of pedestrians, construction workers and vehicles on or about the sidewalk or in the Town Way. The applicant shall provide a written application depicting the equipment to be used and its location in relation to buildings, sidewalk, and Town Way. The applicant shall demonstrate that it has provided for the free and safe movement of pedestrians and vehicular traffic.
- 7.2 Notwithstanding any other provision of this Ordinance, a non-profit group may locate a table on a sidewalk where there is at least eight (8') feet of width, provided that permission is granted by the owner/occupant of the abutting business premises and provided the table does not become an obstruction as defined herein.

SECTION 8 – OBJECTS TO BE REMOVED UPON NOTICE

Any object placed within a sidewalk shall be removable and shall not be permanently attached to the sidewalk, and such object shall be removed immediately upon written notice from a Police Officer to the owner requiring the object's removal for safety reasons, for purposes of construction or maintenance activities by the Town, or for purposes of the convenience of pedestrians.

SECTION 9 - ENFORCEMENT

The Chief of Police or designated agent shall have the authority to order removal of any object deemed to be an obstruction under this Ordinance. The Chief of Police or designated agent shall also have the authority to

order removal of any object, if its owner fails to comply with written notice of removal provided by the Town or an order to enforce the provisions of this Ordinance.

SECTION 10 – LIABILITY PROTECTION

A person or entity which locates, places or installs any object within, on, or over the sidewalk shall indemnify and hold harmless the Town of Camden for any damage to persons or property resulting from the placement of said object on the sidewalk, and for any liability or for damage to said object resulting from routine maintenance of the sidewalk or the public ways by the Town.

SECTION 11 – PENALTIES

Any violation of any provision of this Ordinance shall be a civil violation for which penalty may be adjudged upon complaint by the municipality to the District Court. Each day during which said violation continues shall constitute a separate offense, which shall subject the violator to a fine of One Hundred (\$100) dollars for each day of violation. Prior to filing a complaint in the District Court, the Chief of Police shall provide a written notice to any person violating this Ordinance and said person shall be given an opportunity to immediately and upon receipt of said Order abate the violation; except that for repeat violations no such notice need be given and the Town may proceed directly to District Court. Any person found by the Court to have violated the provisions of this Ordinance shall pay the reasonable costs and attorney fees of the Town of Camden for prosecution of said violation. Further, the Town may seek permanent injunctive relief regarding any object or bench that is placed in violation of the terms of this Ordinance or that creates a nuisance or is a safety hazard.

Upon adoption of this Ordinance, the “Placement of Benches on Public Sidewalks Ordinance” adopted on June 9, 1998 is hereby repealed and fully replaced by the Sidewalk Ordinance.

APPENDIX A

(The following standards are those which appear and are a part of the Camden Zoning Ordinance – Chapter VIII Town of Camden Police Ordinance, Part X Ordinance Regulating Placement of Newspaper Racks and Boxes – page 119)

**CHAPTER VIII
TOWN OF CAMDEN
Police Ordinance**

PART XVI

Restricting Vehicle Weight on Posted Ways Ordinance

Section 1 PURPOSE AND AUTHORITY

The purpose of this Ordinance is to prevent damage to the Town ways and bridges in the Town of Camden which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of Town ways and bridges and to reduce the public expense of their maintenance and repair.

This ordinance is adopted pursuant to Title 30-A M.R.S.A., section 3009 and Title 29-A M.R.S.A. sections 2395 and 2388.

Section 2 DEFINITIONS

The definitions contained in Title 29 M.R.S.A. shall govern the construction of words contained in this Ordinance. Any words not defined therein shall be given their common and ordinary meaning.

Section 3 RESTRICTIONS AND NOTICES

The Municipal Officers may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in their judgment, be necessary to protect the traveling public and prevent abuse of the highways and designate the Town ways and bridges to which restrictions shall apply.

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

The notice shall contain, at a minimum, the following information:

- (a) The name of the way or bridge;
- (b) The gross registered weight limit;
- (c) The time period during which the restriction applies;
- (d) The date on which the notice was posted, and
- (e) The signature of the Municipal Officers.

The notice shall be conspicuously posted at each end of the restricted way or bridge in a location clearly visible from the traveled way. Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is received or extended, existing notices shall be removed and replaced with new notices.

No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

Section 4 EXEMPTIONS

The following vehicles are exempt from this ordinance:

- (a) Any vehicle delivering home heating fuel and operating in accordance with a permit issued by the Department of Transportation pursuant to title 29-A Maine Revised Statutes section 2395;
- (b) Any vehicle while engaged in highway maintenance or repair under the direction of the State or Town;
- (c) Any emergency vehicle (such as firefighting apparatus or ambulances) while responding to an emergency;
- (d) Any school transportation vehicle while transporting students;
- (e) Any public utility vehicle while providing emergency service or repairs; and
- (f) Any vehicle whose owner or operator holds a valid permit from the Municipal Officers as provided herein.

NOTE: The Municipal Officers request that owners and operators of exempted vehicles use common sense when conducting necessary travel over posted ways or bridges during the posting period by reducing the gross weight of their vehicles as much as possible before traveling these way or bridges.

Section 5 PERMITS

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the Municipal Officers for a permit to operate on a posted way or bridge notwithstanding the restriction. The Municipal officers may issue a permit only upon all of the following findings:

- (a) No other route is reasonably available to the applicant;
- (b) It is a matter of economic necessity and not mere convenience that the applicant use the way or bridge; and
- (c) The applicant has tendered cash, a bond or other suitable security running to the Town in an amount sufficient, in their judgment, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same.

Even if the Municipal Officers make the foregoing findings, they need not issue a permit if they determine the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the highways.

In determining whether to issue a permit, the Municipal Officers shall consider the following factors:

- (a) The gross registered weight of the vehicle;
- (b) The current and anticipated condition of the way or bridge;
- (c) The number and frequency of vehicle trips proposed;
- (d) The cost and availability of materials and equipment for repairs;
- (e) The extent of use by other exempt vehicles; and
- (f) Such other circumstances as may, in their judgment, be relevant.

The Municipal Officers may issue permits subject to reasonable conditions, including but not limited to, restrictions on the actual load weight and the number and frequency of vehicle trips, which shall clearly noted on the permit.

Section 6 ADMINISTRATION AND ENFORCEMENT

This Ordinance shall be administered and may be enforced by the Municipal Officers or their duly authorized designee (such as Road Commissioner, Code Enforcement Officer or Law Enforcement Officer).

Section 7 PENALTIES

Any violation of this Ordinance shall be a civil infraction subject to a fine of not less than \$250.00 nor more than \$1,000.00. Each violation shall be deemed a separate offense. In addition to any fine, the Town may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney's fees and costs.

Prosecution shall be in the name of the Town of Camden and shall be brought in the Maine district court.

Section 8 AMENDMENTS

This Ordinance may be amended by the Municipal Officers at any properly notice meeting.

Section 9 SEVERABILITY: EFFECTIVE DATE

In the event any portion of this Ordinance is declared invalid by a Court of competent jurisdiction, the remaining portions shall continue in full force and effect.

Historical Note: Adopted June 10, 1997

**Chapter VIII
Police Ordinance
Town of Camden**

Part XV

Public Transportation Ordinance

Section 1. AUTHORITY

This Ordinance is adopted pursuant to the authority granted by 30 M.R.S.A., section 3001, in order to ensure the safety of the residents of Camden and the public in general.

Section 2. PURPOSE AND INTENT

The purpose of this Ordinance is to license and control those persons, corporations or businesses who engage in the business of operating busses or trolleys over a fixed route on a regular basis for a fee within the Town of Camden. The intent is to protect the safety and quiet residential character of Camden's neighborhoods. Furthermore, it shall establish:

- Routes of travel over which public transportation shall operate;
- Stopping points for the pickup and discharge of passengers;
- Vehicle capacities;
- Insurance and safety inspection requirements.

Section 3. DEFINITIONS

As used herein, the words listed below shall have the following definitions. All words not defined shall carry their usual and customary meaning.

Licensee: Any person, individual, partnership, firm, association, corporation, other legal entity, or any agent thereof, issued a license by the Select Board.

Official Route Maps: The maps described in Section 7, showing the major routes on which public transportation is permitted to operate and attached to this Ordinance as Schedules A, B and C.

Public Transportation: Any trolley, bus, van or other vehicle, used for the transportation of persons on a fixed route for a fee within the Town of Camden.

Section 4. APPLICABILITY

This following public transportation is exempt from the provisions of this Ordinance.

1. Public transportation operated or contracted by a municipal, county, state, public school district, private school or non-profit transportation entity, such as, but not limited to Coastal Transportation Bus Service.
2. Interstate and intrastate bus service operating on major routes as shown on the Official Route Map.
3. Shuttle busses operated by a corporation for their employees, clients or guests.
4. Taxicabs licensed pursuant to the Town's Taxicab License Ordinance.
5. Vehicles with a capacity of no more than fifteen (15) passengers, used for transportation to special

events not occurring on a regular basis, such as but not limited to home and garden tours, antique shows, etc.

6. Vehicles with a capacity of more than fifteen (15) passengers, used for transportation to special events not occurring on a regular basis, such as but not limited to home and garden tours, antique shows, etc. provided there are no more than three such events per organization per year.
7. Busses operated, hired or contracted for the purpose of transporting inn, motel or hotel guests to and from a lodging facility that is not located on one of the official routes, provided that the activity had been established prior to January 1, 2002. Routes to and from an official route shall be designated by the Select Board by May 1st of each year.

Section 5. REVIEW AND APPROVAL AUTHORITY

No one shall engage in public transportation for a fee within the Town of Camden without having first obtained a license to do so from the Select Board.

5.1 Application

Applicants for a Public Transportation License shall submit a written application to the Town Clerk on forms approved by the Select Board. The application shall include the applicant's name, the name of the business, the address of the business, the type and capacity of vehicle(s) to be used, the name, address, drivers' license number, and social security number of any driver, the proposed routes and proposed stopping points within the Town for such transportation and any additional information as may be required by the Select Board to issue the license.

5.2 Requirements for Issuance of a License

The following requirements must be met by the applicant and all drivers for the issuance of a license for the operation of public transportation and a license shall be issued to any applicant who meets all of these requirements:

- (a) The applicant shall be eighteen years of age or older and if the applicant is a corporation, limited liability company or other legal entity, it must provide evidence that it is registered to do business and is in good standing under the laws of the State of Maine.
- (b) The applicant shall not have been convicted within five years prior to the date of application of a crime which is punishable by a maximum term of imprisonment equal to or exceeding one year;
- (c) The applicant shall not be an unlawful user of or be addicted to any controlled substance;
- (d) The applicant shall not be a fugitive from justice;
- (e) The applicant shall not have been adjudicated to be an incapacitated person pursuant to Title 18-A, Article 5, Parts 3 and 4 and not had that designation removed by an order under Title 18-A, Sec. 5-307, Subsection B;
- (f) The applicant shall not be an illegal alien;
- (g) The applicant shall not have been convicted of operating under the influence of intoxicating liquors or operating under the influence of drugs within five years prior to the date of application;
- (h) The applicant shall not have been convicted of negligent or reckless driving to endanger within five years prior to the date of the application;
- (i) The applicant shall have and maintain at all times a current valid Maine drivers' license;
- (j) The applicant shall maintain at all times liability insurance coverage for the applicant and any drivers of public transportation under this license in an amount not less than \$100,000 each person and \$100,000 aggregate;
- (k) The applicant shall permit or cause the operation of public transportation by drivers who at all times meet and conform with the requirements set forth in Section 5.2, (a) through (i), inclusive.

5.3 License Fee

The fee for a Public Transportation License and the fee for drivers shall be set annually by the Select Board.

Section 6. License Terms and Conditions

A public transportation license shall be valid for a one-year period from July 1st, to June 30th, regardless of the date of issuance.

6.1 License Suspension

The Town Manager or Chief of Police may suspend the right to operate, of any employee of a licensee, found violating the provisions of this Ordinance or of the public laws relating to the operation of motor vehicles or the endangerment of the public health, safety and welfare. The licensee shall be notified and shall either immediately affirm the suspension by replacing the employee or shall give notice of an appeal to the Select Board.

6.2 Appeal Procedure

Any licensee or employee of a licensee who's right to operate under this Ordinance has been suspended, shall be afforded the right to appeal to the Select Board. The Board shall meet within 30 days after being notified of the appeal. The Select Board, after notice and hearing, may confirm the suspension or may modify it as the circumstances may require, or may vacate the suspension altogether. The Select Board shall determine the length of any suspension.

6.3 License Revocation

After repeated violations of the provisions of this Ordinance or the law of the state by a licensee or an employee thereof, and after notice and hearing, the Select Board may revoke any license issued under the authority of this Ordinance.

Upon a finding of repeated violations of this ordinance, the Select Board may revoke a license issued pursuant to this ordinance. Upon a finding of more than three violations of the provisions of this ordinance, the Select Board shall revoke such license.

Section 7. Route of Travel

It shall be a violation of this Ordinance for any licensee to operate on any route other than those specified on the Official Route Maps. Those routes include Route 1, Route 52, Route 105, John Street, Mechanic Street between John Street and Hosmer Pond Road, Hosmer Pond Road, Barnestown Road, Union Street, Mechanic Street from the intersection of Route 1 to the intersection of Free Street, Free Street, and Conway Road.

Section 8. Stopping Points

It shall be a violation of this Ordinance for any licensee to stop at any points for pickup and discharge of passengers, other than the official stopping points, which shall be approved by the Select Board upon issuance of the license. Stopping points may be designated by a uniform system of signs, designated annually by the Select Board no later than June 1st of each year.

Section 9. Amplification

It shall be a violation of this Ordinance to operate an amplified public address system

while operating public transportation within the Town of Camden, except for exempt public transportation under Section 4.

Section 10. Advertising

It shall be a violation of this Ordinance to attach signs and/or advertising to the exterior of any public transportation vehicle other than signs identifying or conveying information about the licensee.

Section 11. Vehicle Capacities

Vehicle capacities shall not exceed federal safety standards and shall be posted on the outside of the vehicle by the forward door and at the rear of the vehicle. In addition, the capacities shall be posted on the inside of the vehicle near the forward door in a place clearly visible to the passengers. It shall be a violation of this Ordinance to carry more passengers than the posted capacities allow.

Section 12. Insurance Requirements

Insurance coverage on the vehicles shall be in the amount and of the type required by the state of Maine for vehicles for hire.

Section 13. Safety Inspection

Safety requirements for the vehicles shall be as required by the State of Maine.

Section 14. Appeal from Denial of License Application

An applicant for a license or any person aggrieved by a decision of the Select Board concerning a license application may appeal the decision to Superior Court within thirty (30) days of the date of the vote at a public meeting concerning the license application.

Section 15. Emergencies

In case of emergency situations, members of the Police or Fire Departments or other public safety officers are authorized to waive the requirements of this Ordinance on a temporary basis in order to meet the needs of the emergency situation.

Section 16. Enforcement

The Select Board is authorized to enforce the provisions of this ordinance. The authority to commence civil action in the District Court in the State of Maine to collect civil penalties is set forth in Section 17. By a vote at a meeting of the Select Board, the Select Board may delegate enforcement authority to the Chief of Police of the Town of Camden.

Section 17. Penalties

Any licensee who is found to have violated or who has failed to comply with any of the provisions of this Ordinance, is subject to a fine of \$500 per offense, recoverable in a court of competent jurisdiction, and may have his/her license revoked as provided for in Section 6.3. A licensee shall be responsible for the actions for his/her employees.

Any person who operates public transportation, for which a license is required pursuant to this ordinance, without obtaining such a license shall pay a fine of \$100.00 for each violation. Each day of operation of

public transportation without a license shall be a separate violation giving rise to a \$100.00 civil penalty.

Section 18. Renewability

A Public Transportation License may be renewed each year by the Select Board, subject to review of the licensee's operations by the Select Board and subject to continued compliance with the standards for the issuance of a license.

Section 19. Severability

The invalidity of any part of this Ordinance shall not invalidate the other parts.

Historical Note: Public Transportation Ordinance Adopted at Town Meeting June 11, 2002

**Chapter VIII
Police Ordinance
Town of Camden**

Part XVI

Blasting Ordinance

The purpose of this ordinance is to minimize the effects of airblast overpressure, ground vibration, dust and noise associated with blasting which may be detrimental to individuals and the community in the enjoyment of life, property and the conduct of business through the establishment of standards and notice requirements of blasting operations.

It is also the intent of this ordinance to prevent permanent damage to the geologic, hydrogeologic and wildlife resources and ecological balance in the region and to have a process which can be effectively and efficiently administered without causing undue financial and administrative hardship to blasting operators.

Section 1 Authority

This Ordinance is enacted pursuant to the Home Rule Authority granted to the Town in accordance with provisions in Titles 30-A M.R.S.A., Section 3001.

Section 2 Permit required

A permit shall be obtained from the Code Enforcement Office prior to any blasting with explosive devices or materials for development purposes within the boundaries of the Town of Camden.

Application forms for a permit may be obtained in the Code Enforcement Office. Permits for blasting will be reviewed as follows:

- (a) Any blasting and removal of a total of 300 cubic yards or less of material per project will be reviewed and approved by the Code Enforcement Officer following consultation with the Town Chief of Police; or
- (b) Permits for blasting and removal of more than 300 cubic yards of material total per project must be reviewed and approved by the Planning Board. For the purposes of this section, the "project" shall include all blasting anticipated to be undertaken during the completion of a contract or series of contracts, for demolition, excavation or construction, or during the anticipated life of a quarry operation. Applications for the Planning Board shall be transmitted to the Planning Board for review at its next available meeting.
- (c) All applications shall contain the following information:
 - i. The name of the General Contractor and the Blasting Contractor
 - ii. The name of the property owner
 - iii. The general contractor
 - iv. The location(s) of the proposed blasting activity
 - v. The total number of cubic yards of material estimated to be removed by blasting
 - vi. An estimate of the number of blasts required to remove the specified amount of material
 - vii. Hours and dates of proposed blasting activity
- (d) The following studies or information shall be included:

- i. Preblast assessments, to include:
 - a. interior and exterior inspections of structures located within a 250 ft. radius of the blasting location (contingent upon owner agreement) and;
 - b. water samples from wells located within a 250 ft. radius of the blasting location (contingent upon owner agreement)
- ii. Seismograph record of each blast

(e) Proof that the entity applying for the Town's blasting permit has a permit to use explosives as issued by the State of Maine Fire Marshall's Office.

Upon receipt of a completed application, the Code Enforcement Officer shall review and act upon the application within ten (10) days. Failure to do so shall not be deemed an approval of the permit application.

Section 3 Proof of Insurance

The applicant and/or the blasting contractor shall present proof of liability insurance in a minimum amount of \$1,000,000 combined single limit per occurrence.

Section 4 Fees

All applications for blasting permits shall be accompanied by a fee as set from time to time by Board of Selectmen order.

Section 5 Effective Period

Permits shall be effective for no more than 365 days from the date of approval. For blasting operations the scope of which exceeds one year, renewal of the permit shall be accomplished by reapplying in accordance with the procedure for a new permit, except that a public hearing may be held to review past compliance with the standards contained herein and any effects on existing uses and property owners in the vicinity of such blasting operations.

Section 6 Notices Required Following Issuance of a Permit

(a) Any person intending to detonate explosives shall first notify the Code Enforcement Officer or his duly authorized representative that a blast is planned. Such notification shall be received at least 24 hours prior to the planned detonation and shall give the time (within two hours), location where the blasting is to be done, the amount of explosives to be used and the name and business address of the person responsible for the blasting operation. The notification may be given orally over the telephone; however, the burden of proof as to whether the notification was in fact received rests with the person responsible for the blasting operation.

(b) The person responsible for a blast shall notify the Code Enforcement Officer in the event of any misfires and the proposed corrective action within five (5) business days of the misfire.

(c) At least ten (10) days prior to the intended date of the commencement of the blasting, the person responsible for the blast, at his expense, shall inform all property owners within 500 feet of the blasting location. Such notification stating the purpose, warning procedures, date and time of the blast shall be given by first class mail and certified mail. Evidence that such notification was sent shall be provided to the Code

Enforcement Officer upon request. Failure of a property owner to receive the required notice does not invalidate the blasting permit.

(d) If an abutter does not respond to an applicant's notification within eight (8) days of sending notice, then the applicant may proceed with blasting. A receipt of certified mailing shall constitute proof of sending notice.

(e) Prior to any blast, the person responsible for the blast shall publish notice of the date, time and place of the blast in a local newspaper of general circulation and provide a copy of the notice to the local cable channel.

(f) The person responsible for the blast shall place warning signs along property lines of the blasting site at least seven (7) days in advance.

Section 7 Performance Standards

(a) Hours of Blasting

Hours of blasting shall be limited to daylight hours, no earlier than 8:00 a.m. or later than 5:00 p.m., Monday through Friday inclusive. Detonation of misfires may occur outside of these times but must be reported to the Code Enforcement Officer in accordance with Section 5 of this Ordinance. Blasting shall be prohibited on week-ends and the following legal holidays: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving and Christmas.

(b) Water Quality and Quantity Protection

- i. Water is a precious resource and measures shall be taken to protect groundwater quality and quantity. Expenses resulting from any requirement for monitoring related to water quality and quantity shall be borne by the applicant. The Code Enforcement Officer may require monitoring of groundwater quality and quantity to assure no adverse impacts to any water supplies or wells within 500 feet of the blasting location.
- ii. The Code Enforcement Officer may require monitoring of groundwater quality. No blasting activity shall increase turbidity in the ground water to more than which existed prior to the blasting, as established in a preblast survey, if such survey has been completed.
- iii. If groundwater contains an increase in turbidity, then the applicant shall demonstrate how water quality will be improved or treated, if necessary.
- iv. The Code Enforcement Officer may require monitoring of groundwater quantity. No blasting activity shall decrease the quantity of ground water to less than what existed prior to the blasting, as established in a preblast survey, if such survey has been completed.
- v. If groundwater contains a decrease in quantity, then the applicant shall demonstrate how water quantity will be improved, if necessary.

(c) Ground vibrations, air blast overpressure and seismographic records shall comply with 38 M.R.S.A. § 490-Z (14) (B), (C), (I), (J), (K), (L) and (M), as may be amended from time to time.

Section 8 Exceptions

Applications for a permit for an exception from the performance standards designated in this ordinance may be made to the Code Enforcement Officer or his duly authorized representative on the basis of an emergency. Any permit granted hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective.

(a) The Code Enforcement Officer or his duly authorized representative may grant the exception as

applied for if:

1. There is no dwelling unit within 500' of the blasting site and:
 - i. No other reasonable alternative is available to the applicants;
 - ii. The activity or operation will be of a temporary duration, i.e. a limited number of blasts at a specific site, and only if it cannot be done in a manner that would comply with this ordinance;
 - iii. The applicants represent, and the Code Enforcement Officer or his duly authorized representative finds, that blasting as permitted will not violate recognized safety standards, and
2. There is a dwelling unit(s) within 250' of the blasting site:
 - i. All the criteria of (a) 1 are met; and
 - ii. The dwelling(s) was, or will be, included in a pre-blast survey and the information required in Section 2(d)(i) has or will be submitted;
 - iii. Notice required in Section 6(c) has been accomplished except that this notice may be provided in person instead of by mail at least 24 hours prior to blasting.
3. There is a dwelling unit(s) within 500' of the blasting site:
 - i. All the criteria of (a) 1 are met; and
 - ii. The owner/occupants of dwelling unit(s) within 500' of the blast site received the notice required under Section 6 (c) except that this notice may be provided in person instead of by mail at least 24 hours prior to blasting.

(b) Upon the issuance of any exception permit, the Code Enforcement Officer may prescribe any reasonable conditions or requirements he deems necessary to minimize adverse effects upon the community.

Section 9 Severability

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

Section 10 Enforcement and Penalties

It shall be the duty of the Code Enforcement Officer to administer the provisions of this Ordinance. It shall be the duty of the Chief of Police to enforce violations of this Ordinance. Any person, including but not limited to a landowner, a landowner's agent, or contractor who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with 30-A,M.R.S.A. § 4452, as may be amended from time to time. For purposes of this Section, each day that a violation continues shall be considered a separate offense.

Section 11 Conflicts with Other Ordinances

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

Section 12 Amendments

Amendments may be made by a majority vote of the Town at any Camden Town Meeting and shall take effect upon enactment unless otherwise specified.

Section 13 Effective Date

This ordinance shall become effective upon its adoption.

Section 14 Definitions

For purposes of this Ordinance, the following definitions shall apply to the terms set forth below in this Section:

- (a) “Airblast” shall mean an airborne shock wave resulting from detonation of explosives. “Airblast” may be caused by burden movement or the release of expanding gas into the air. “Airblast” may or may not be audible.
- (b) “Applicant” shall mean the person, company or corporation responsible for managing and conducting blasting operations.
- (c) “Blast/Blasting” shall mean any activity entailing the use of explosives for the purpose of producing an explosion to demolish structures or to fragment rock for mining, quarrying, excavation and construction.
- (d) “Blasting Operations” shall mean drilling and site preparation solely for blasting and detonation.
- (e) “Explosives” shall mean any substance, chemical compound or mechanical mixture that is commonly used for the purpose of producing an explosion to fragment rock for mining, quarrying, excavation and construction. Initiating devices (detonators, detonating cords, etc.) are also included under this definition.
- (f) “Ground Vibrations” shall mean a shaking of the ground caused by the blast wave emanating from a blast.
- (g) Seismograph - An instrument that measures and may supply a permanent record of earthborn vibration induced by blasting.

Historical Note: Adopted on November 7, 2017

CHAPTER IX

**TOWN OF CAMDEN SEWER USE
ORDINANCE**

Adopted September 30, 1968
Revised June 14, 1994
Revised June 9, 1998

Attest: Beverly Shejen, Town Clerk

date

TOWN OF CAMDEN SEWER USE ORDINANCE

An ordinance regulating the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system; and providing penalties for violations thereof; in the Town of Camden, County of Knox, State of Maine.

ARTICLE I-Definitions

Unless the context specifically, indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

Section 1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 deg. C., express in milligrams per liter.

Section 2. "Building Drain" shall mean that part of the lowest horizontal piping of a drain system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

Section 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

Section 4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

Section 5. "Commission" (also referred to as "Commissioners") shall mean the Board of Wastewater Commissioners of the Town of Camden or its authorized representative.

Section 6. "Contractor" shall mean the person, firm or corporation with whom the Owner has entered into an agreement to construct and/or start up a sewer extension.

Section 7. "Contractor's Supervisor" shall mean the Contractor's construction project representative who is responsible for field supervision of the construction of the sewer extension project.

Section 8. "Drawings" shall mean the drawings which show the character and scope of the sewer extension work to be performed and which have been prepared by the Owner's Engineer and approved by the Town and/or its Consulting Engineer.

Section 9. "Engineer" (also "Consulting Engineer(s)" and "Engineering Consultant") shall mean the professional engineer or engineering firm or corporation hired by the Owner to design and/or oversee the construction and start-up of the sewer extension

project hired by the Town to assist with review of the Sewer Extension design and oversight of construction of said project.

Section 10. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

Section 11. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

Section 12. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Section 13. "Owner(s)" shall mean the person, firm or corporation who (which) is financing and/or proposing to construct a Sewer Extension project; or the owner of property adjacent to a public sewer.

Section 14. "Person" shall mean any individual, firm, company, partnership, corporation, association, group or society, and includes the State of Maine, and agencies, districts, and commissions and political subdivisions created by or pursuant to State law.

Section 15. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Section 16. "Pollutant" shall mean to include but is not limited to dredged spoil, solid waste, junk, sewage sludge, munitions, chemicals, biological, or radiological materials, oil, petroleum products or by-products, heat, wrecked, or discarded equipment, rock, sand, dirt, and industrial, municipal, domestic, commercial, or agricultural wastes of any kind.

Section 17. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (0.5) inch in dimension.

Section 18. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Section 19. "Resident Engineer" shall mean the authorized representative of the Town's Consulting Engineer who observes construction of the sewer extension and whose duties are defined in Section 2 of the Sewer Extension Design and Construction Standards as "Owner's Representative."

Section 20. "Sanitary Sewer" shall mean a sewer that carries sewage and to which storm, surface, and groundwater, are not intentionally admitted.

Section 21. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

Section 22. "Sewage Treatment Plant" or "Water Pollution Abatement Plant" shall mean any arrangement of devices and structures used for treating sewage.

Section 23. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

Section 24. "Sewer" shall mean a pipe or conduit for carrying sewage.

Section 25. "Shall" is mandatory; "May" is permissive.

Section 26. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

Section 27. "Storm Drain" (sometimes termed "storm sewer") shall mean a pipe which carries storm and surface waters and drainage, but sewage and industrial wastes, other than unpolluted cooling water are intended to be excluded.

Section 28. "Superintendent" shall mean the Superintendent of the Wastewater Department of the Town of Camden or his/her authorized deputy, agent, or representative, all acting for the Board of Wastewater Commissioners.

Section 29. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Section 30. "Town" shall mean the Town of Camden, Maine.

Section 31. "Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and waste water treatment facilities provided.

Section 32. "User" shall mean all persons owning properties in the Town of Camden subject to the provisions of this ordinance. Specifically as outlined in Article II Section 4 and those persons who choose to provide service connections to undeveloped lots within the sewer service area.

Section 33. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

ARTICLE II-Use of Public Sewers Required

Section 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any manner on public or private property within the town, or in any lake, pond, stream or harbor or in any area under the jurisdiction of said town, any human excrement, garbage, or other objectionable waste, except as noted elsewhere in this Ordinance.

Section 2. It shall be unlawful to discharge to any natural outlet within the Town of Camden, or in any area under the jurisdiction of said town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Section 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Section 4. The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and abutting on any street, alley, or right-of-way in which there is located a public sanitary sewer of the town, is hereby required at their expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line, unless prevented by undue hardship. Single Family Residential Users more than hundred (100) feet from the end of the sewer mains may connect to the system. Multiple use properties or properties in excess of one hundred fifty (150) feet must extend the sewer main prior to connection. Undue hardship shall mean topographical or other reasons preventing connection to the Town sewer. Hardship cases will not be considered where the building is tied into an existing Town sewer to be abandoned or has a malfunctioning septic system.

Section 5. Where sewer extensions are constructed beyond the original sewer area, owners whose property was not within 100 feet of the original sewer area but which is now within 100 feet of the extended sewer area will be required to connect to the extended sewer.

ARTICLE III-Private Sewage Disposal

Section 1. Where a public sanitary sewer connection is not required under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article and the requirements of the State of Maine Subsurface Wastewater Disposal Rules adopted pursuant to Title 22 M.R.S.A. §42.

Section 2. Before commencement of construction of a private sewage disposal system, the owner(s) shall first obtain a written permit signed by the licensed plumbing inspector. The application for such permit shall be made on a form furnished by the Division of Health Engineering, Maine Department of Human Services, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the plumbing inspector. A permit and inspection fee shall be paid to the plumbing inspector at the time the application is filed. The fee will be based on the current fee schedule as adopted by the Commission.

Section 3. A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the plumbing inspector

Section 4. The type, capacities, location, and layout of a private wastewater disposal system shall comply with the State of Maine's Plumbing Code, Part II-Subsurface Wastewater Disposal Regulations and the Minimum Lot Size Law, Maine Revised Statutes Annotated, Titles 12, Chapter 423-A. No private wastewater disposal system shall be permitted to discharge to any natural outlet.

Section 5. At such time as a property served by a private wastewater disposal system connects to a public sewer, a direct connection from the building sewer to the public sewer shall be made. Any septic tanks, cesspools and similar private wastewater disposal facilities shall no longer be used. The septage shall be pumped out and disposed of at a facility licensed to receive septage. The tankage shall be removed or the top crushed and the void filled in with gravel.

Section 6. The owner(s) shall operate and maintain the private wastewater disposal facility in a sanitary manner at all times, at no expense to the Town. Septage removal from private disposal systems shall be performed by licensed operators and disposed of in a facility licensed to receive septage.

ARTICLE IV-Building Sewers and Connections

Section 1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a road opening and a written connection permit from the Commission. All the work related to the installation of building sewers, and the connection to the public sewer shall be performed by persons licensed by the Town of Camden Board of Selectmen.

Any person proposing a new type of discharge into the system or a substantial change in the volume or character of sewage that are being discharged into the system shall notify the Superintendent at least forty-five (45) days prior to the proposed change or connection, and shall comply with the requirements set forth below in this article.

Section 2. There shall be two (2) classes of sewer permits: (a) for residential and commercial service, and (b) for industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Commission. A permit and inspection fee shall be paid to the Town at the time the application is filed. The fee shall be based on the current fee schedule as adopted by the Commission. Certain industrial users may also require a Discharge Permit as described in Article V, Section A, of the Pretreatment Ordinance of the Town of Camden.

One copy of the permit shall be available for inspection at all times at the site of the work.

Section 3. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 4. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another, then the building sewer from the front building may be extended to the rear building, if approved by the Commission. For commercial or industrial connections, the Commission may require the installation of a sewer manhole to access the service for wastewater monitoring purposes, or the Commission may require the commercial/industrial user to connect directly to a manhole in the sewer main.

Section 5. Old building sewers or portions thereof may be used in connection with new building sewers only when they are found, on examination by the Commission, to meet all requirements of this ordinance. All costs for inspection and testing shall be paid by the Owner.

Section 6. Where possible, the building sewer shall be brought to the building at an elevation to service the building by gravity. The depth shall be sufficient to afford protection from frost, but in no event less than three (3) feet deep. Insulation may be used to decrease depth if approved by the Commission. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, a sewage lift station and force main shall be used.

Section 7. The building sewer shall be cast-iron soil pipe, with rubber gasket joints, ASTM Specification A74 or polyvinylchloride (PVC) pipe conforming to ASTM D2665 or D3034 and the strength requirements of SDR 35.

Section 8. The size and slope of the building sewer shall be subject to the approval of the Commission, but in no event shall the diameter be less than four (4) inches. The slope of the pipe shall not be less than one-eighth (1/8) inch per foot. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible.

Changes in direction shall be made only with manholes or pipefittings, as approved by the Commission. A clean out shall be located a minimum of four (4) inches above the basement floor. Also, clean-outs shall be provided at bends greater than 45 degrees or at 100-foot maximum intervals.

Section 9. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Commission. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

Section 10. All joints and connections shall be made watertight and gas tight and of flexible design for exterior pipe runs. The first flexible joint shall be within two (2) feet of the outside face of the building wall.

Section 11. The connection of the building sewer into the public sewer shall be made at the "Y" or "T" branch, if such branch or tee is available at a suitable location.

If no branch or tee is available a connection may be made by tapping the existing sewer by an approved method, then inserting an approved saddle.

Section 12. No person shall make connections of roof drains, downspouts, foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or groundwater, to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 13. The applicant for the building sewer permit shall notify the Commission at least twenty-four (24) hours before beginning the work and also when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Commission or its representative, during normal working hours.

Section 14. All excavations for a building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

ARTICLE V-Licensing of Persons Authorized to Make Connections to the Public Sewers

Section 1. Plumbers and drain layers of established reputation and experience licensed as Master Plumbers will be licensed by the Commission as Master Drain

Layers authorized to perform work, subject to compliance with the following requirements:

- (a) Applicants for licenses are required to pay a filing fee as Master Drain Layer, payable to the Town; the fee shall be based on the current fee schedule adopted by the Commission.
- (b) If approved by the Commission, applicants for licenses shall file with the Commission a proper and acceptable Performance and Guarantee Bond which shall remain in full force and effect for a period of one year from the date of application.
- (c) Applicants for licenses, after approval by the Commission, shall file with the Commission a Certificate of Insurance to cover Public Liability and a Certificate of Insurance covering Property Damage. In addition, a Certificate of Insurance covering Worker's compensation shall be filed, all of which shall remain in full force and effect for a period of at least one year from the date of approval. Said Insurance shall indemnify the Commission and the Town of Camden against any and all claims, liability or action for damages, incurred in or in any way connected with the performance of the work by a Master Drain Layer, and for or by reason of any acts or omission of said Master Drain Layer in the performance of his work.
- (d) Applicants for licenses will be approved or disapproved within a period of thirty-one (31) calendar days after filing the application.
- (e) The following criteria shall be used by the Commission concerning decisions to approve or disapprove applications for licenses as Master Drain Layers and shall serve as minimum requirements for approval of such licenses:

- (1) The applicant has paid the license fee set forth in Article V, Section 1(a) above.
- (2) The Commission shall find, based upon information submitted to the Commission by the applicant and by the Wastewater Superintendent, that the applicant has complied substantially with the following provisions of the Sewer Use Ordinance within the period of twelve months prior to the meeting of the Wastewater Commission at which the Commission acts upon the application:
 - (a) Article III, Section 5;
 - (b) Article IV, Section 1;
 - (c) Article IV, Section 2;
 - (d) Article IV, Section 4;
 - (e) Article IV, Section 5;
 - (f) Article IV, Section 6;
 - (g) Article IV, Section 7;
 - (h) Article IV, Section 8; last sentence only;
 - (i) Article IV, Section 9;

- (j) Article IV, Section 11;
- (k) Article IV, Section 12;
- (l) Article IV, Section 13;
- (m) Article IV, Section 14,
- (n) Article V, Section 6; and
- (o) Article V, Section 7.

A finding by the Commission that the applicant has failed to comply, on three separate occasions, with the provisions of the Sewer Use Ordinance set forth above, shall be sufficient grounds for the Commission to find the applicant has not complied substantially with those provisions and that the Commission denies the license for that reason.

- (3) The Commission shall find that the applicant has not, within the twelve months prior to the date of the meeting at which the application is considered, installed a connection to the public sewer without a permit.
- (4) The applicant shall have a license from the Plumbers Examining Board as required by Article V, Section 8 of this Ordinance.

Section 2. The Commission will license Journeyman Plumbers and Drain Layers who are personally engaged in making physical installation of sewer and drain connections under the direction of a Master Drain Layer upon payment of license fee. The fee shall be based on the current fee schedule adopted by the Commissioner. If acting in the capacity of a Contractor, all provisions of Section 1 shall apply to this category.

Section 3. All licenses expire December 31st. the year issued and no licenses are transferable. A renewal fee for each renewal thereof, which shall be due and payable on or before the anniversary date of issue. The fee shall be based on the current fee schedule adopted by the Commissioner. If not renewed on or before the anniversary date, re-licensing shall be handled as a new license.

Section 4. At any time during the license year, upon seven days advance written notice to a licensee, the Commission, upon receipt of a written complaint from the Wastewater Superintendent, shall hold a public hearing to consider the revocation of the license for a Master Drain Layer. The written notice from the Superintendent must specify, in writing, the reasons that the Superintendent has requested consideration of revocation by the Commission of the Master Drain Layers license.

After a public hearing, and an opportunity for the licensee to present information and testimony in opposition to the Superintendent's request for revocation, the Commission shall decide whether to revoke the license. In considering revocation, the burden of proof shall be on the Superintendent. The burden of proof shall include the production of evidence necessary for the Commission to reach a decision that the license should be revoked.

In considering a request for revocation of the license, the Commission shall have reasonable grounds to deny a license if the Commission makes one of the following findings:

- (1) That the licensee, during the portion of the license year prior to the Commission's consideration of revocation at a meeting, has failed to comply substantially with the provisions of the Sewer Use Ordinance set forth in Article V, Section 1 (e) (2) (a)-(o), inclusive. For purpose of consideration of a request for revocation of a license, a licensee who has failed to comply with the provisions set forth above on more than three occasions shall be considered to have failed to comply substantially with the provisions of this Ordinance.
- (2) If the Commission finds that the applicant has installed a connection to the public sewer system without a permit in the portion of the license year prior to the consideration of revocation by the Commission at a meeting.

Section 5. All licensees are required to give personal attention to all installations and shall employ only competent workers.

Section 6. All licensees are required to give a written report to the Commission within twenty-four (24) hours in the event that prohibited substances listed in Article VI, Sec. 2 of this Ordinance (including substances listed in Article II of the Town of Camden Industrial Pretreatment Ordinance), are found in a sewer or house drain during the course of the work.

Section 7. Notification of the completion of the work with certification that all conditions of the Sewer Ordinance have been complied with shall be filed in writing with the Commission within twenty-four (24) hours after the completion of the work covered in each permit. Each installation shall have a completed House Service form, using a copy of the form in the Appendix of this Ordinance. The form shall include a sketch of the installation (plan view) with three (3) ties to exit point from the house, changes in direction, clean-outs, connection point to the sewer service stub provided by the Town or Owner (Developer) and connection point to the sewer. It shall provide the depth of cover at all tie points and also shall provide the size and material of pipe.

Section 8. Notwithstanding any other provisions of this Article V, no license shall be issued to any person as Master Drainlayer, Journeyman Plumber, or Drainlayer unless such person has been licensed by the Plumbers Examining Board as a Master Plumber, Journeyman Plumber or Apprentice in accordance with Title 32, Section 3501-3506 of the Maine Revised Statutes for 1964, as amended.

ARTICLE VI-Use of Public Sewers

Section 1. No stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters shall be discharged or caused to be discharged to any sanitary sewer.

Section 2. Stormwater and all other unpolluted drainage shall be discharged to such pipes as are specifically designated as storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Superintendent to a storm sewer or natural outlet, and the discharge shall comply with the Maine Revised Statutes Annotated, title 38, Chapter 3, Section 413, as amended or revised.

Section 3. None of the following described waters or wastes shall be discharge or caused to be discharged to any public sewers:

(a) Substances listed in Article II of the Town of Camden Industrial Pretreatment Ordinance:

(b) Gasoline, benzene, naphtha, fuels oil, or other flammable or explosive liquid, solid or gas.

(c) Any waters or pollutants containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; in such quantities or concentrations that any such material received in the composite wastewater at the wastewater treatment works exceed limits established by Article II, Section B of the Town of Camden, Industrial Pre-Treatment Ordinance.

(d) Any waters or pollutants containing odor-producing substances exceeding limits which may be established by the Superintendent:

(e) Waters or wastes containing toxic, infectious or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of a sewage treatment plant.

(f) Waters or wastes having a pH lower than 6.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

(g) Solid or viscous substances in quantities or of such size to be capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to stone, gravel, ashes, cinders, sand, concrete, paving materials, mud, straw, sticks, plaster, cement, mortar, shavings, metal, glass, rags, feathers, tar, plastics, wood, ungrounded garbage, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc, either whole or ground by garbage grinders.

(h) Any waters or pollutants including oxygen demanding pollutants (BOD, etc.) which released in quantities of flow or concentrations or both constitute a "slug" as defined herein.

(i) Any heated waters or pollutants in amounts which will inhibit or interfere with biological activity in the wastewater treatment works but in no case heated waters or pollutants in such quantities that the temperature at the wastewater treatment works influent exceeds 105 degrees Fahrenheit (40 degrees Celsius): unless the wastewater treatment works is designed to accommodate such heat.

Section 4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(a) Liquids or vapor having a temperature higher than one hundred fifty (150) deg. F. (65 deg. C.).

(b) Water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/L or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) deg. F. (0 and 65 deg. C.).

(c) Garbage that has not been properly shredded by the use of a standard unit garbage grinder.

(d) Waters or wastes containing strong acid ironpickling wastes or concentrated plating solutions whether neutralized or not.

(e) Waters or wastes containing iron, chromium, copper, zinc, and similar objectionable, or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

(f) Waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the

requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(g) Radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

(h) Waters or wastes having a pH in excess of 10.0.

(i) Materials which exert or cause:

(1) Unusual concentrations of inert suspended solids such as, but not limited to, Fullers earth, lime slurries, and lime residues, or of dissolved solids such as, but not limited to, sodium chloride and sodium sulfate.

(2) Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

(j) Overflow by draining from cesspools or other receptacles storing organic wastes.

(k) Steam exhausts, boiler blowoffs, sediment traps, or pipes carrying hot circulating water.

(l) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Section 5. All industries discharging into a public sewer shall perform such monitoring of their discharge as the Superintendent and/or other duly authorized employees of the town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. Such records shall be made available upon request by the Superintendent to other Agencies having jurisdiction over discharges to the receiving waters. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes,

equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- (a) Reject the wastes;
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (c) Require control over the quantities, timing and rates of discharge; and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of this Article.
- (e) Take such other remedial action as may be deemed to be desirable or necessary to achieve the objectives of this Ordinance.

If the Commission permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Commission, and subject to the requirements of all applicable codes, ordinances, and laws.

Section 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Commission, they are necessary for the proper handling of liquid wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units, unless otherwise determined by the Commission. All interceptors shall be of a type and capacity approved by the Commission, and shall be located as to be readily and easily accessible for cleaning and inspection.

Section 7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at their expense.

Section 8. When required by the Commission, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole or other acceptable sampling point, together with such meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes as required in the discharge permit. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. Typical details of such a manhole are located on the Appendix of this Ordinance. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in

accordance with the latest edition "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, or other specific sampling point, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pHs are determined from periodic grab samples). Sampling splitting with the Town may be required by the Superintendent at no cost to the Town.

Section 10. No statement contained in this article shall be construed as preventing any special agreement or arrangements between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor, by the industrial concern.

ARTICLE VII-Sewer Extensions

Section 1. Sewer Extension Design and Construction Standards are included as an Appendix to this Ordinance. These standards are provided as guidance for all sewer extensions to the existing sewer systems in Camden. The intent of these standards is:

- (a) To provide uniform design of all sewer extensions;
- (b) To assure quality in the sewer construction; and
- (c) To attain adequate as-built and operation and maintenance information on new sewers and pump stations.

Section 2. All extensions to the existing sewer system shall be designed and constructed in accordance with these standards.

ARTICLE VIII-Protection from Damage

Section 1. No unauthorized person shall maliciously, willfully, or intentionally break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage treatment works. Any person violating this provision shall be prosecuted in accordance with the criminal laws of the State of Maine which concern malicious damage and trespass; that is, criminal laws of the State of Maine that protect public and private property.

ARTICLE IX-Powers and Authority of Inspectors

Section 1. The Commission and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties at reasonable time for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Commission or its representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Section 2. While performing the necessary work on private properties referred to in Article IX, Section 1 above, the Commission or duly authorized employees of the town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as may be caused by negligence or failure of the company to maintain safe conditions.

Section 3. The Commission and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE X-Penalties

Section 1. Any person found to be violating any provision of this Sewer Use Ordinance except Article VIII, shall be served by the Commission with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 2. Any person who shall continue to violate the ordinance after the written notice set forth in Sec. 1 above, shall be subject to penalties and enforcement action in accordance with Title 30-A M.R.S.A. §4452 of the Maine Revised Statutes. Any person convicted of such a violation shall be subject to civil penalties, assessed by a court of competent jurisdiction; and the minimum penalty for such a violation is \$100.00 and the

maximum penalty is \$2,500.00. Each day in which any such violation shall continue shall be deemed as a separate violation and penalties shall be assessed on a per-day basis.

In addition, the Town shall be entitled to an award of reasonable attorney's fees, expert witness fees and costs, and other costs of a court action concerning such a violation as set forth in Title 30-A §4552 (3) (D) of the Maine Revised Statutes.

Section 3. Any person violating any of the provisions of this Sewer Use Ordinance shall become liable to the Town for any expense, loss, or damage occasioned by the Town by reason of such offense.

Section 4. Notwithstanding any of the foregoing provisions, the Board of Commissioners may institute any appropriate action including injunction or other proceedings to prevent, restrain, or abate violations hereof.

ARTICLE XI-Commission Authority

Section 1. The Sewer Commissioners shall have the authority to adopt from time to time procedures for the billing, construction, inflow and infiltration, abutter's fee and other policies necessary to carry out the intent of this ordinance.

ARTICLE XII-Validity and Authority

Section 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 2. The invalidity of any section, clause, sentence or provision of this ordinance shall not affect the validity of any other part of this ordinance, which can be given effect without such invalid part or parts.

Section 3. The Sewer Commissioners shall and are hereby authorized to adopt from time to time rules and regulations, consistent with the existing Sewer Ordinance, pertaining to the maintenance and operation of the sewage facilities

ARTICLE XII-Ordinance in Force

Section 1. This ordinance shall be in full force and effect when adopted by the Board of Selectmen of the Town of Camden.

Section 2. This ordinance enacted by the voters of the Town of Camden June 14, 1994.

Section 3. The Town of Camden Board of Selectmen voted to approve this Ordinance on March 21, 1994.

Section 4. The prior ordinance was accepted by the Environmental Protection Agency May 1, 1975, as part of the Town of Camden "National Pollutant Discharge Elimination System" permit.

Section 5. Revisions to Articles III, IV, V, VI, VIII and X adopted by town meeting vote on June 9, 1998.

CHAPTER VI-10

Policy of Shade Tree Removal

Section 1 - Preamble

The Town of Camden hereby adopts the following public shade tree ordinance in order to regulate the removal, pruning, and planting and maintenance of public shade trees within the limits of any Town road or public right of way and of trees located on public property.

Section 2 - Authority

This ordinance is enacted pursuant to the Home Rule Authority granted to the Town in accordance with the provisions of Title 30-A, M.R.S.A., 3001.

Section 3 - Definitions

- 3.1 Person-Any individual, person, firm, corporation, association, partnership or organization
- 3.2 Public Trees-All trees located upon any public property owned by the Town of Camden
- 3.3 Public Shade Trees-All trees within or upon the limits of any Town road, public right of way, or any highway within the meaning of Title 30-A, M.R.S.A., 3281
- 3.4 Tree Warden-An official of the Town of Camden appointed by the Board of Selectmen who shall have the care and control of all public shade trees upon and along Town roads and public rights of way and in the parks and public lands of the Town of Camden, and that official shall enforce all laws relating to the preservation and maintenance of public shade trees and public trees. Any term or word of this ordinance which is not defined in this Section shall have a meaning consistent with Title 30-A, M.R.S.A. to the extent that such term is defined in that Title; any terms which are not defined in that Title shall have a meaning consistent with common usage.

Section 4 - Appointment of Tree Warden

Within thirty (30) days of the annual Town Meeting, a Tree Warden and an Alternate Tree Warden shall be appointed annually by the Board of Selectmen, each for a term of one (1) year.

The Alternate Tree Warden shall serve in the absence of the Tree Warden.

Section 5 - Prohibition

No person shall prune, plant, cut down, remove, or alter a public shade tree or a public tree unless that person has first obtained the consent of the Tree Warden for those actions.

Section 6.0- Request for Consent from Tree Warden

- 6.1 Written request-Any person who intends to prune, plant, cut down, remove, or alter a public shade tree or public tree shall make a written request to the Tree Warden and shall

state specifically the action intended to be taken by that person concerning a public shade tree or public tree.

- 6.2 Written Decision-Within ten (10) days of receipt of a written request pursuant to Section 6.1, the Tree Warden shall approve the request, approve the request with conditions, or deny the request in a written decision mailed to the person making the request.

The Tree Warden shall have the authority to impose reasonable conditions upon approval of the request in order to preserve and maintain public shade trees or public trees; and in order to protect the safety and convenience of the Town roads, highways, public rights of way, and public lands.

Section 7 - Appeal

In the event that a person making a request is aggrieved by the decision of the Tree Warden, then such a person shall have the right to appeal the decision of the Tree Warden to the Board of Selectmen within ten (10) days of the date of the decision of the Tree Warden. The appeal shall be made in writing and shall set forth specifically the basis for the appeal.

Upon receipt of the written appeal by the Board of Selectmen, the Board shall hold a public hearing within thirty (30) days, and thereafter deny the appeal or overturn the decision of the Tree Warden.

Section 8 - Guidelines for Cutting or Altering of Public Shade Trees

After a public hearing, the Board of Selectmen shall have the authority to adopt, amend, or modify guidelines for pruning, planting, cutting, removing or altering of trees, and thereafter, the Tree Warden shall use those guidelines in making decisions pursuant to this ordinance.

Section 9 - Penalties

Any person who violates the provisions of this ordinance or fails to seek approval of a request pursuant to this ordinance shall commit a civil violation for which a penalty may be assessed as follows:

- a) A penalty of up to Five Hundred Dollars (\$500.00) may be adjudged for the cutting down or removal of any public shade tree or public tree in violation of this ordinance;
- b) A penalty of up to Two Hundred Fifty Dollars (\$250.00) may be Adjudged for any pruning, planting, or altering of a public shade tree or public tree in violation of this ordinance.

The penalties set forth may be adjudged, upon complaint, by the municipality to the District Court or the Superior Court.

Section 10 - Abatement and Injunction

In addition to the penalties set forth above, the Tree Warden, on behalf of the Town, may seek an abatement of the violation, or injunctive relief, including an award of reasonable attorney fees from the District Court or the Superior Court.

Section 11-Severability

The provisions of this ordinance shall be severable. If any portion of this ordinance is held to be invalid, the remainder of this ordinance and its application thereof shall not be affected.

Section 12-Other Laws and Ordinances

This ordinance shall not prohibit or prevent the Town from pruning, cutting, altering, or removing trees when the pruning, cutting, alteration, or removal is ordered by the Board of Selectmen for the following purposes:

- a) To layout, alter or widen the location of Town roads or highways;
- b) To lessen the danger of travel on Town roads or highways
- c) or To suppress tree pests or insects.

The consent of the Tree Warden is not required for pruning, cutting or removal of trees by the Town for the foregoing purposes set forth in Section 12 of this ordinance. The consent of the Tree Warden is also not required for pruning, cutting or removal of trees in connection with routine maintenance of public park and other public facilities which are managed by the Parks and Recreation Department of the Town of Camden. The Town shall, however, conform to any guidelines adopted pursuant to Section 8.0 of this ordinance in any actions taken for the foregoing purposes.

Historical Note: Adopted November 8, 1994

**CHAPTER VIII TOWN OF CAMDEN
POLICE ORDINANCE**

PART XIII

SIDEWALK ORDINANCE

SECTION 1 - PREAMBLE

The Town of Camden hereby adopts the following Ordinance to regulate the placement and location of obstructions on sidewalks or adjacent to public ways in the Town of Camden. The purpose of this Ordinance is to reduce congestion and unsightly clutter of sidewalks, to keep sidewalks clear for safe and convenient travel by pedestrians, and to protect the Town from claims of liability based upon the placement of obstructions on sidewalks.

SECTION 2 - AUTHORITY

This Ordinance is enacted pursuant to the Home Rule Authority granted to the Town in accordance with the provisions in title 30-A M.R.S.A., Section 3001, as amended from time to time.

SECTION 3 - DEFINITIONS

- 3.1 BENCH - A privately-owned bench placed on a sidewalk, including any structure on which patrons of businesses and members of the public can sit for the convenience of such individuals.
- 3.2 OBSTRUCTION - A bench, seating object, flower boxes, display of stock in trade, or other object placed by a person which hinders or impedes the free and uninterrupted passage of pedestrians and any public works equipment upon any sidewalk, included in this definition is any sign, awning or architectural feature that is located less than seven (7) feet in height as measured from the sidewalk surface. See also MRSA 17A Section 505 and Appendix A Ordinance Regulating Placement of Newspaper Racks and Boxes. Historical Note: Adopted June 14, 1994.
- 3.3 PERSON - A natural person, corporation, partnership, or business entity.
- 3.4 PUBLIC WAY - Any street, Town road, public easement or Town way accepted by the Town of Camden or within the control of the Town of Camden.
- 3.5 SALE - The exchange of any object of merchandise or food for any form of consideration, whether at retail or wholesale, regardless of whether a profit is made.

- 3.6 SIDEWALK - Any public improved path for pedestrians abutting a public way of the Town of Camden within the control or ownership of the Town.
- 3.7 STRUCTURE - Anything constructed or erected adjacent to, on, or above the sidewalk.

SECTION 4.0 - OBSTRUCTIONS TO PUBLIC PASSAGE

- 4.1 No person shall place any obstruction within the bounds of a sidewalk unless otherwise permitted under this or any other Ordinance of the Town of Camden. An object shall be an obstruction if its placement causes less than 48 inches (48") of uninterrupted pedestrian space to remain between the object and the edge of the sidewalk, or any power pole, light pole, utility fixture, seasonal trash collection container, or cigarette butt collection container, as located in the sole discretion of the Town, closest to the road, with the exception that the Select Board may grant a waiver of this provision for pre-existing access requirements to established businesses or for non-hazardous pre-existing awnings, benches or architectural features. An object shall also be an obstruction if the Select Board determines that the particular object, where located, meets the definition of "obstruction" as set forth in Section 3.2 of this Ordinance.
- 4.2 Notwithstanding Section 4.1, no object shall be placed at a distance greater than 6 inches from an existing structure, so as to maintain the maximum amount of passage for pedestrians on the sidewalk.
- 4.3 SPECIFICALLY PROHIBITED LOCATIONS - No object shall be placed, used or maintained as follows:
- a. Within ten feet of any fire hydrant or other emergency equipment or facility;
 - b. Within seven feet of any marked pedestrian crosswalk as measured from the point of intersection between a crosswalk and the sidewalk curbing closest to the intended location of said object;
 - c. Within five feet of any intersecting driveway, alley or street;
 - d. In a manner which interferes with ingress or egress from private property or public facilities;
 - e. Such that the placement causes a safety hazard for pedestrian traffic or vehicular traffic or obstructs the view of such traffic from the public way; and
 - f. For advertising, as a sign or for publicity purposes.

4.4 Other Restrictions and Conditions

- a. All objects shall be maintained by the owner of the object at all times, in a clean, neat and attractive condition and in good repair. The area around said object shall be kept free of debris and litter at all times.
- b. No object shall be placed within, in on or over the sidewalk from November 1 through April 30 of each year in order to allow winter maintenance and plowing;
- c. No sign, awning or architectural features shall be located less than seven (7) feet in height as measured from the sidewalk surface.
- d. Notwithstanding any provision of this Ordinance, all objects (excluding existing or future permitted signage) lawfully placed within, in, on or over a sidewalk shall be removed between November 1 and April 30 of each year.
- e. No person shall permit graffiti nor unauthorized lettering or words to be placed or remain on any object located on or above the sidewalk.

SECTION 5 - BENCHES

No person shall place, locate, or install a bench on a sidewalk, as defined in this Ordinance, unless the bench meets the following requirements:

- 5.1 Location - See Sections 4.1, 4.2, 4.3, and 4.4 above- all said restrictions and conditions shall apply to benches
- 5.2 Proximity to Adjacent Premises
Any bench authorized pursuant to this Section shall be located in front of the business premises and within six inches of the building in which the business premises is located. There shall be only one bench for each business premises adjacent to the sidewalk. Businesses that can accommodate more than one bench shall maintain a minimum separation of five (5) feet between benches.
- 5.3 Design - Benches shall be constructed primarily of wood and shall have sufficient strength and durability to serve the intended purpose of providing seating and a resting area for patrons of a business and for members of the public. The seat shall not be more than 20 inches in height and not more than 6 feet in length and 24 inches in depth; the overall height of the bench shall not exceed 40 inches.

SECTION 6 - PLACING STOCK IN TRADE ON SIDEWALKS

No person carrying on any business for the sale of goods, wares or merchandise shall at any time place any part of their stock in trade upon any town sidewalk adjoining their buildings or upon any shelf, stand or bracket extending over said sidewalk. The Select Board may, however, authorize the temporary placement of stock in trade on a sidewalk for the purposes of an organized and scheduled town or area-wide sidewalk event, or any other special permitted annual or seasonal event. Such event may include tables for non-profit groups, provided permission is granted by the owner/occupant of the business premises where the table(s) would be located. (See also Appendix A Ordinance Regulating Placement of Newspaper Racks and Boxes. Historical Note: Adopted June 14, 1994.

SECTION 7 - GRANTING OF PERMISSION ON A TEMPORARY BASIS

- 7.1 Notwithstanding any other provision of this Ordinance, the Town Manager may grant permission on a temporary basis for scaffolding, ladders and other property, construction, repair or maintenance equipment to be located within, upon or over a sidewalk; the duration and scope of permission shall be provided in writing to the applicant, in the Town Manager's sole discretion. The Town Manager shall consider safety of pedestrians, construction workers and vehicles on or about the sidewalk or in the Town Way. The applicant shall provide a written application depicting the equipment to be used and its location in relation to buildings, sidewalk, and Town Way. The applicant shall demonstrate that it has provided for the free and safe movement of pedestrians and vehicular traffic.
- 7.2 Notwithstanding any other provision of this Ordinance, a non-profit group may locate a table on a sidewalk where there is at least eight (8') feet of width, provided that permission is granted by the owner/occupant of the abutting business premises and provided the table does not become an obstruction as defined herein.

SECTION 8 - OBJECTS TO BE REMOVED UPON NOTICE

Any object placed within a sidewalk shall be removable and shall not be permanently attached to the sidewalk, and such object shall be removed immediately upon written notice from a Police Officer to the owner requiring the object's removal for safety reasons, for purposes of construction or maintenance activities by the Town, or for purposes of the convenience of pedestrians.

SECTION 9 - ENFORCEMENT

The Chief of Police or designated agent shall have the authority to order removal of any object deemed to be an obstruction under this Ordinance. The Chief of Police or designated agent shall also have the authority to order removal of any object, if its owner fails to comply with written notice of removal provided by the Town or an order to enforce the provisions of this Ordinance.

SECTION 10 - LIABILITY PROTECTION

A person or entity which locates, places or installs any object within, on, or over the sidewalk shall indemnify and hold harmless the Town of Camden for any damage to persons or property resulting from the placement of said object on the sidewalk, and for any liability or for damage to said object resulting from routine maintenance of the sidewalk or the public ways by the Town.

SECTION 11 - PENALTIES

Any violation of any provision of this Ordinance shall be a civil violation for which penalty may be adjudged upon complaint by the municipality to the District Court. Each day during which said violation continues shall constitute a separate offense, which shall subject the violator to a fine of One Hundred (\$100) dollars for each day of violation. Prior to filing a complaint in the District Court, the Chief of Police shall provide a written notice to any person violating this Ordinance and said person shall be given an opportunity to immediately and upon receipt of said Order abate the violation; except that for repeat violations no such notice need be given and the Town may proceed directly to District Court. Any person found by the Court to have violated the provisions of this Ordinance shall pay the reasonable costs and attorney fees of the Town of Camden for prosecution of said violation. Further, the Town may seek permanent injunctive relief regarding any object or bench that is placed in violation of the terms of this Ordinance or that creates a nuisance or is a safety hazard.

Upon adoption of this Ordinance, the "Placement of Benches on Public Sidewalks Ordinance" adopted on June 9, 1998 is hereby repealed and fully replaced by the Sidewalk Ordinance.

APPENDIX A

(The following standards are those which appear and are a part of the Camden Zoning Ordinance - Chapter VIII Town of Camden Police Ordinance, Part X)

ORDINANCE REGULATING PLACEMENT OF NEWSPAPER RACKS AND BOXES

Preamble

The Town of Camden hereby adopts the following Ordinance to regulate the placement and location of newspaper racks and boxes within the public rights of way and sidewalks in the Town of Camden. The purpose of this Ordinance is to reduce congestion and unsightly clutter on sidewalks and to keep sidewalks clear for safe and convenient travel by pedestrians.

Authority

This Ordinance is enacted pursuant to the Home Rule Authority granted to the Town in accordance with provisions in Titles 30-A M.R.S.A., Section 3001.

Definitions

Newspaper

A publication or news periodical containing news reports, editorials, or other information circulated within the Town of Camden on a daily, weekly, or any other regular basis.

Newspaper Rack or Box

Any self-service mechanical or coin operated box, container, or storage unit or other dispenser installed, used or maintained for the display of newspapers.

Public Way

Any street, Town road or Town way accepted by the Town of Camden or within the control of the Town of Camden.

Sidewalk

Any public sidewalk of the Town of Camden within the control or ownership of the Town.

Location Permit

The Board of Selectmen of the Town is hereby authorized to issue a permit for the placement of newspaper racks and boxes on sidewalks of the Town of Camden or adjacent to public ways, upon submission of

an application which clearly demonstrates conformity with the requirements set forth below.

No newspaper rack or box shall be placed, used or maintained as follows:

- a. in any location within fifty feet of the location where two newspaper racks or boxes are already located in order to reduce congestion at any particular site;
- b. in a manner which reduces the clear, continuous sidewalk width to less than six feet;
- c. within twenty feet of any fire hydrant or other emergency facility;
- d. within ten feet of any marked pedestrian crosswalk;
- e. within ten feet of any intersecting driveway, alley or street; and
- f. in a manner which interferes with ingress or egress from private property or public facilities.

Construction and Design

Newspaper racks or boxes shall be constructed of metal or other material of substantially equivalent strength and durability, and shall not be more than fifty inches in height and not more than twenty-five inches in length and width. The newspaper rack or box shall not be painted in fluorescent or gaudy paint or coloring.

Placement of Newspaper Racks or Boxes Within Public Sidewalk-
Newspaper racks and boxes shall be placed either adjacent and parallel to building walls not more than six inches distant from the vertical plane of the wall or near and parallel to the sidewalk curb, not less than twelve inches and not more than twenty-four inches distant from the curb, subject to the requirement that the placement of any such newspaper rack or box shall not cause a safety hazard for pedestrian traffic or vehicular traffic by obstructing the view of such traffic from the public way. No newspaper rack or box shall be placed within three (3) feet on either side of the area directly in front of a display window which faces onto a public sidewalk or public way.

No newspaper rack or box shall face another newspaper rack or box divided only by the width of a sidewalk or pedestrian walk and no such newspaper rack shall be placed within twenty (20) feet on either side of a point which is directly opposite the center of a newspaper rack or box on the opposite side of a sidewalk.

No Advertising

No such newspaper rack or box shall be used for advertising signs or publicity purposes other than to display information for purposes of identifying the newspaper publication sold in the rack or box.

Attractive Appearance

Each newspaper rack or box shall be maintained at all times in a clean, neat and attractive condition and in good repair, and no issue or edition of any publication shall be allowed to remain in that newspaper rack or box for a period of time in excess of seven days from the date of initial publication. The owner of the newspaper rack or box shall ensure that snow in front of the box is removed so that the box is accessible during the winter.

Attachment to Other Property

No newspaper rack or box shall be chained, bolted or otherwise attached to property not owned by the owner of the newspaper rack or box, unless that owner shall at first obtain the written permission of the owner of property to which the rack or box is affixed.

Approval Process

Within twenty days of receiving an application for a permit, the Board of Selectmen shall notify the applicant whether the application is complete. The application will specifically show the location of the proposed newspaper rack or box on a sketch or diagram, and will show the design and construction of that rack or box together with any lettering thereon. If the application is determined to be incomplete, the Board of Selectmen shall notify the applicant in writing of the specific information necessary to complete the application. It shall be the responsibility of the applicant to provide the information required in the application. Within fourteen (14) days after the application is determined to be complete, the Board of Selectmen shall decide whether or not to issue the permit.

Standards for Issuance of Permit

In accordance with the approval procedure of Section 8.0, the Board of Selectmen shall issue a permit to any applicant who clearly demonstrates conformity with the location requirements and other requirements of this Ordinance for the placement of a newspaper rack or box.

Application Fee

At the time of presentation of application, the applicant shall pay an application fee of ten (\$10.00) dollars to cover the cost of processing the application. One application with one fee may be used to obtain permission for the placement of no more than three newspaper racks or boxes owned by the same newspaper or publication in three separate locations.

Non Transferable

Any permit issued under this Ordinance shall not be transferable to any other newspaper or publication.

Term

The term of the permit shall be for a period of one year, however, the permit shall be renewable for periods of one year each year thereafter upon submission of a renewal application clearly demonstrating continued conformity with the requirements set forth in this Ordinance. The renewal of this license does not require submission of an additional renewal application fee.

Revocation of Permit

The Board of Selectmen shall enforce this Ordinance and may revoke the permit of any permittee who violates the provisions of this Ordinance. The Board of Selectmen may revoke or suspend a permit for any period of time during which the permittee has failed to comply with the provisions and specifications set forth in this Ordinance.

Appeal

An aggrieved party may appeal any decision of the Board of Selectmen to issue a permit, deny a permit, or revoke a permit or suspend a permit, to the Superior Court within thirty days of the date of a written decision. In all instances, the Board of Selectmen shall issue a written decision and such decision shall be sent to the applicant or permittee.

Duration

Any permit for placement of a newspaper rack or box shall require that the newspaper rack or box remain in the approved location for at least nine months out of the twelve months for every licensed year in order to avoid temporary placement of such racks and boxes for time periods of short duration.

Liability Protection

The issuance of a permit under this Ordinance shall require that the newspaper owner agree to indemnify and hold harmless the Town of Camden from any damage to persons or property resulting from the placement of that newspaper rack or box within the sidewalk. The permit shall also require a release by the newspaper owner of the Town from any liability for damage to the property of the newspaper rack or box resulting from routine maintenance or plowing of the sidewalk or the public ways by the Town.

Prohibition on Display of Obscene Materials

No person shall display or exhibit in any newspaper rack or box, other than from a location from which minors are excluded, any lewd, or obscene material or pictures, unless a device commonly known as a "blinder rack" is placed in front of the lewd or obscene materials or pictures so that the parts of those materials or pictures that are lewd or are obscene cannot be viewed from outside the newspaper rack or box. For purposes of this Ordinance, lewd or obscene materials shall be any written materials or photographs which are defined as sexually explicit materials within the meaning of Title 17, M.R.S.A. Section 2923 and any obscene materials within the meaning of Title 17, M.R.S.A Section 2912 (B).

Penalties

Any person who violates provisions of this Ordinance or fails to seek a permit or renewal which is required by this Ordinance shall commit a civil violation for which a penalty of one hundred (\$100.) dollars may be adjudged, upon a complaint by the municipality to the District Court. Each day of continued violation shall constitute a separate offense which subjects the violator to a penalty of one hundred (\$100.) dollars for each day of violation.

Severability

The provisions of this Ordinance shall be severable. If any portion of this Ordinance is held to be invalid, the remainder of this Ordinance and its application thereof shall not be affected.

Other Laws and Ordinances

In addition to compliance with this Ordinance, the permittee or any person subject to this Ordinance, must also comply with all other laws and Ordinances affecting the placement of newspaper racks and boxes, specifically including the Zoning Ordinance in the Town of Camden.

Historical Note: Adopted June 14, 1994.

TOWN OF CAMDEN

SUBDIVISION ORDINANCE

CERTIFIED:

I hereby certify that this Subdivision Ordinance was enacted at the November 3, 2015 Town Meeting and is effective on November 10, 2015.

John R. French, Jr. Chairman
Camden Select Board

Date

Signature attested:

Katrina Oakes, Town Clerk

SUBDIVISION ORDINANCE

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ARTICLE 1 - PURPOSE

The purposes of this Subdivision Ordinance are:

1. To provide for the expeditious, equitable, and efficient review of proposed subdivisions.
2. To establish standards for the application of the approval criteria of the State Subdivision Law, found in Title 30-A M.R.S.A. §4401 et seq.
3. To ensure that development in the Town of Camden meet the goals and conform to the policies of the adopted Comprehensive Plan.
4. To ensure the safety, health, welfare, comfort and convenience of the people of the Town of Camden and to prevent an undue burden on municipal facilities.
5. To protect the environment and conserve the natural and cultural resources of the Town.
6. To minimize potential impacts from new subdivisions on neighboring properties and on the municipality.
7. To ensure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures.

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ARTICLE 2 - AUTHORITY AND ADMINISTRATION

Section 1. Authority

A. This ordinance has been prepared in accordance with the provisions of Title 30-A M.R.S.A. §4401 et seq.

B. This ordinance shall be known and may be cited as the “Subdivision Ordinance of the Town of Camden, Maine.

Section 2. Administration

A. The Planning Board of the Town of Camden, hereinafter called the Board, shall administer this ordinance.

B. The provisions of this ordinance shall pertain to all land and buildings proposed for subdivisions within the boundaries of the Town of Camden.

C. All submissions shall meet the requirements of the “General Procedure for Planning Board Applications”, as may be amended from time to time. (Appendix M).

D. Subdivision application fees shall be paid according to the fee schedule approved annually by the Town of Camden Select Board.

Section 3. Amendments

This ordinance may be amended by vote of the legislative body of the Town of Camden.

Section 4. Repeal of Prior Ordinance

Upon adoption of this Ordinance, any prior Subdivision Ordinance (including amendments) is repealed.

Section 5. Effective Date

The Subdivision Ordinance herein shall be in full force and in effect seven days following the date of approval of this Ordinance by the legislative body of the Town of Camden. Developers for subdivision approval who have filed applications prior to the effective date of this Subdivision Ordinance shall be governed by the terms of the previously-enacted Subdivision Ordinance only in the event that the Planning Board had determined, by a majority vote, that the application for preliminary plan, as set forth in Article VI, was found to be complete prior to the effective date of this ordinance and any amendments thereto, unless the Developer elects in writing, to the Planning Board to be governed by the terms of this Subdivision Ordinance.

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ARTICLE 3 - DEFINITIONS

Section 1. Meaning of Words.

Words and terms used in this ordinance shall have the meanings set forth in Section 2 below. Words and terms, which are not defined in Section 2 but are defined in the Zoning Ordinance of the Town of Camden, Maine, shall have the meanings set forth in the Zoning Ordinance. Words and terms, which are not defined in either Section 2 or in the Zoning Ordinance, shall have their customary dictionary meanings. Where the definitions set forth in Section 2 of this ordinance include regulations, restrictions, limitations, prohibitions, criteria, or standards, the definitions constitute enforceable requirements of this ordinance.

Section 2. Definitions.

Abutter: Any contiguous tract or parcel that touches the subdivision tract or parcel at some point and any tract or parcel that is located directly across the street.

Average Daily Traffic (ADT): The average number of vehicles per day that enter or exit the premises or travel over a specific section of road.

Board: The Planning Board of the Town of Camden.

Buffer Area: Property that is not built upon and is specifically intended to separate and minimize the effects of a land-use activity (e.g., noise, dust, visibility, glare, etc.) on adjacent areas.

Capital Improvements Program (CIP): The municipality's proposed schedule of future projects listed in order of construction priority, together with cost estimates and the anticipated means of financing each project.

Clear Zone: An area used for snow plowing, pedestrians and occasional parking that serves the function of a shoulder but does not require a base above the natural topography.

CEO: Code Enforcement Officer of the Town of Camden.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by these regulations, (unless submission requirements have been waived by a vote of the Board). The Town Planner/CEO shall issue a written statement to the developer upon the determination that an application is complete.

Comprehensive Plan: The Town of Camden Comprehensive Plan adopted by the voters, as amended.

Conceptual Sketch Plan: A plan showing the major features of the site and the preliminary, generalized layout of proposed roads, lots, locations of suitable septic sites if applicable, required open space and other improvements.

Context Sensitive Design: An approach to ensure that roads are in harmony with the natural, social, economic, and cultural environment.

Density: The number of dwelling units per acre of land.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

Developer: The person, corporation or its representative applying for subdivision approval under these regulations.

Direct Watershed of a Great Pond: That portion of the watershed which drains directly to the great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the comprehensive plan, or as depicted in the drainage divide data layer provided by the Maine Office of GIS. Due to the scale of the map there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the Board or its designee and the developer shall conduct an on-site investigation to determine where the drainage divide lies. If the Board and the developer can not agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the developer to provide the Board with information from a professional land surveyor showing where the drainage divide lies.

Disturbed Area: All land areas that are stripped, graded, or grubbed at any time during the site preparation for, or construction of, a project unless the areas are returned to a condition with the same drainage patterns and vegetative cover type that existed prior to the disturbance.

Driveway: A vehicular access way serving no more than two lots.

Dwelling Unit: A room or group of rooms within a dwelling, designed and equipped as living quarters for a person or for a family, including provisions for living, sleeping, bathing and cooking. Individual units within a Congregate Housing Facility as defined by the Zoning Ordinance shall be considered dwelling units.

Engineered Subsurface Wastewater Disposal System: A subsurface wastewater disposal system designed, installed, and operated as a single unit to treat and dispose of two thousand (2,000) gallons of wastewater or more per day or any system designed to be capable of treating wastewater with higher BOD (Biochemical Oxygen Demand) and total suspended solids concentrations than domestic wastewater.

Final Plan: The final drawings on which the developer's plan of subdivision is presented to the Board for approval.

Forested Wetland: A freshwater wetland dominated by woody vegetation that is six (6) meters (19 ½ feet) tall or taller.

Frontage: The linear distance between the sidelines of a lot, measured along the lot line that borders upon whatever right-of-way serves as legal access to the lot. For the purposes of this Ordinance, the following ways shall constitute legal access to a lot along which frontage shall be measured:

- 1) a way accepted by or established as belonging to the Town of Camden, Knox County, or the State of Maine, provided access is not specifically prohibited;
- 2) a way, whether dedicated to public ownership or not, as shown on an approved subdivision plan;
- 3) a private or public way which has not been approved by a governmental subdivision but which has been established in a deed recorded in a registry of deeds or otherwise legally established by adverse possession or adverse use.

In the case of a lot bordering upon more than one way as defined above, the measurement of frontage shall include the entire length of the property line along such way or ways. Minimum street frontage shall mean continuous frontage.

Level of Service: A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the *Highway Capacity Manual*, published by the National Academy of Sciences, Transportation Research Board, 1991. There are six (6) levels of service ranging from Level of Service A, with free traffic flow and no delays, to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Multifamily Development: A subdivision that contains three (3) or more dwelling units on land in common ownership, such as apartment buildings, congregate housing, condominiums, or mobile home parks.

100-Year Flood: The highest level of flooding that, on the average, has a one percent (1%) chance of occurring in any given year.

Open Space Residential Development: A form of housing development which allows the developer flexibility in subdivision and housing design, including use of single family detached or attached, two-family, and/or multifamily dwellings, in return for setting aside a portion of the tract of land as permanent open space, in accordance with the provisions of the Town of Camden Zoning Ordinance, Article IX, Open Space Zoning, of this Ordinance. All open space residential developments shall be subject to subdivision regulations and approval.

Planner/CEO: The staff person responsible for the direction of the Planning Department, his/her designee, or other person designated by the Town Manager to be responsible for development review.

Preliminary Plan: The preliminary drawings showing the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

Professional Engineer: A professional engineer, registered in the State of Maine.

Public Road: A Town Accepted Road.

Public Water System: A water-supply system that provides water to at least fifteen (15) service connections or services water to at least twenty-five (25) individuals daily for at least thirty (30) days a year. Examples include water districts, mobile home parks, campgrounds, restaurants, apartment buildings, and hotels.

Recording Plan: An original of the final plan, suitable for recording at the Registry of Deeds that shows only information relevant to the transfer of an interest in the property including property lines with dimensions, easements, wetlands, and the location of test pits, as well as documentation of any waivers, conditions of approval, or other pertinent notes. The recording plan shall not show other information presented on the subdivision plans such as topography, grading, sewer and water line locations and sizes, culverts, and building lines.

Reserve Strip: A narrow strip of land between an existing and proposed street and other property, which can be used to limit access to the street by others.

Reserved for Road Realignment: A strip of land along an existing road that is reserved for future realignment or widening of that road.

Shoulder: The sides of a roadway that extend beyond the travel surface with a base above the natural topography, often used by pedestrians and for parking.

Sight Distance: The length of unobstructed sight line of motor vehicle drivers in normal daylight conditions. Sight distance is measured from the perspective of a hypothetical person seated in a vehicle from three vantage points: (1) sitting in the access viewing vehicles traveling on the highway (both left and right), (2) traveling on the highway viewing a vehicle sitting in an access and (3) traveling on the highway viewing a vehicle turning into the access (both ahead and behind). In case of discrepancy between these measurements, the lesser measurement will be used to determine whether the sight distance standard is met. Sight distance is measured to and from the point on the centerline of the proposed access that is located 10 feet from the edge of traveled way. The height of the hypothetical person's view is considered to be 3½ feet above the pavement and the height of the object being viewed is considered to be 4¼ feet above the pavement.

Storm Water Best Management Practices (BMP's): Methods, techniques, designs, practices, and other means to control the quality and quantity of storm water that are approved by the Maine Department of Environmental Protection. Storm Water BMP's are identified in "Storm Water Management in Maine: Best Management Practices" which is published periodically by the Maine Department of Environmental Protection.

Street: Public and private roads such as alleys, avenues, highways and other right-of-ways as well as areas on subdivision plans designated as right-of-ways for vehicular access other than driveways.

Street Classification:

Arterial Street: A street which serves as a major traffic way for travel between and through the municipality.

Collector Street: A street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

Cul-de-sac: A street with only one outlet and having the other end for the reversal of traffic movement.

Industrial or Commercial Street: Streets servicing industrial or commercial uses.

Minor Residential Street: A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

Private Road: A street that has not been, or is not intended to be accepted by the Town of Camden as a public road.

Street Stub: An area reserved for the future extension of a dead end street or cul-de-sac to the property line of the parcel being subdivided for the purpose of connecting internal subdivision roads on adjacent parcels.

Subdivision: The division of a tract or parcel of land into three (3) or more lots within any five-year period, that begins after September 23, 1971, as defined by Title 30A §4401, et. seq. as amended from time to time, except that a lot of forty (40) acres or more shall be counted as a lot.

Subdivision, Major: A subdivision that does not meet the definition of Subdivision, Minor.

Subdivision, Minor: A subdivision, that is not located in the Rural-1, Rural-2 or Coastal Residential Districts, that does not propose the construction of a new road and that meets the following conditions:

- 1) five or fewer lots or units fronting on an existing town accepted road which is not served by public sewer and water; or
- 2) ten or fewer lots fronting on an existing town accepted road which is served by public sewer and water; or
- 3) fifteen or fewer units in a building or buildings fronting on an existing Town accepted road, which is served by public sewer and water.

Town Accepted Road: A road that has been accepted by the voters of the Town of Camden.

Town Engineer: Any registered professional engineer hired or retained by the Town, either as staff or on a consulting basis.

Tract or Parcel of Land: As defined by 30-A M.R.S.A. §4401, as such may be amended from time to time.

Zoning Ordinance: The Zoning Ordinance of the Town of Camden, Maine, as such may be amended from time to time.

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ARTICLE 4 – PREAPPLICATION REVIEW– MINOR OR MAJOR

Section 1. Purpose

The purpose of the preapplication review process is to provide an opportunity for the developer to explain the proposed plan. The review also allows for comments from the Board that could be helpful to the developer, prior to the expenditure of substantial sums of money on surveying and engineering.

Section 2. Preapplication Meeting

Nine copies of the Preapplication shall be submitted with the appropriate fee at least 22 days prior to the Planning Board meeting at which the developer wishes to be heard. A location map, site inventory map, site analysis and conceptual sketch plan, satisfying the submission requirements in Appendix A, shall accompany the application. The conceptual sketch plan does not require surveying or engineering but shall show, in simple sketch form the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The conceptual sketch plan shall also show, in a general manner, site conditions such as steep slopes, wet areas and vegetative cover. Following a presentation of the Site Inventory and Conceptual Sketch Plan by the developer, the Board shall determine if the application is complete.

Section 3. Submission of Waiver Requests

Requests for waivers of submission requirements shall be submitted with the Preapplication. Requests for waivers of design guidelines shall be submitted prior to final approval.

Section 4. Site Walk

The Board shall schedule a site walk within 14 days, to be attended by the developer and the Board. The developer shall place “flagging” at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the site walk. The Board shall determine the contour interval for the final plan at the conclusion of the site walk. Site walks shall not be held when there is more than one foot of snow on the ground.

Section 5. Public Informational Meeting

The public informational meeting shall be held following the initial presentation by the developer and shall be held the same night or within 30 days, at the option of the developer. The meeting provides an opportunity to explain the project to abutters and to answer questions outside the formal review process. The meeting may produce useful information for the developer through local knowledge and may provide an opportunity to address issues and concerns prior to formal Planning Board review. Notice shall be sent by the Town via certified mail, return receipt requested, to all abutters, notifying them of the date, time and place of the meeting.

Section 6. Prohibition of Site Activity During Review

Filling, excavating grading, or grubbing are prohibited on the site of a proposed subdivision until final plan approval has been granted.

Section 7. Preapplication Determinations

At the conclusion of the Preapplication Review, the Planning Board will have determined the following, for either a minor or major subdivision:

1. Contour intervals
2. Additional submissions
3. Date of the site walk
4. Whether the Board wishes to hire an outside consultant
5. Date of the public hearing
6. Waivers

For minor subdivisions, the Board will also have determined:

7. Any issues relating to approval criteria that should be considered in preparation of the Final Plan.

ARTICLE 5 - MINOR SUBDIVISION FINAL PLAN REVIEW

Section 1. Purpose

The purpose of the Final Plan Review is to determine whether the proposed subdivision meets the standards of Article 8 and Title 30-A, MRSA, Section 4401 et. seq.

Section 2. Final Plan Submission

Nine copies of a Final Plan application with the appropriate fee shall be submitted at least 15 days prior to the Planning Board meeting at which the developer wishes to be heard. The application shall be accompanied by a Final Plan satisfying the submission requirements in Appendix B. In addition, the Planning Board may require any of the submission requirements for a Major Subdivision Final Plan, upon an affirmative vote of at least three members of the Board.

Section 3. Final Plan Review

The developer shall attend the meeting of the Board to present the Final Plan. Failure to attend the meeting shall cause the Board to postpone any action until the next meeting at which the developer is placed on the agenda and attends. At the meeting, the Board shall determine whether the application is complete. If the application is not complete, the Board shall notify the developer in writing of the specific additional material needed to complete the application.

Section 4. Public Hearing

A public hearing may be held at the board's discretion if there has been significant expressed public interest or if there has been a specific request for a hearing from the public.

Section 5. Final Plan Determination

The Board shall make findings of fact and conclusions relative to the criteria contained in Article 8 and Title 30-A M.R.S.A., §4404 within thirty days of determining a complete Final Plan application has been received, or within another time limit as may be otherwise mutually agreed to by the Board and the developer. If the Board finds that all the criteria of Article 8 have been met, the Board shall approve the plan. If the Board finds that any of the criteria of Article 8 have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the criteria and standards will be met by the subdivision. If the application is denied, the Board shall issue a written notice of its decision, including its findings, conclusions and reasons for denial.

Section 6. Recording Plan

The Recording Plan for a minor subdivision shall meet the requirements of Appendix K.

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ARTICLE 6 – MAJOR SUBDIVISION PRELIMINARY PLAN REVIEW

Section 1. Purpose

The purpose of the Preliminary Plan is to provide enough information to the Board for a preliminary determination that the proposed subdivision will meet the approval standards of Article 8 and Title 30-A, MRSA, Section 4401 et Seq.

Section 2. Preliminary Plan Submission

Within six months after the on-site inspection, nine copies of the Preliminary Plan application with the appropriate fee shall be submitted at least 15 days prior to the Planning Board meeting at which the developer wishes to be heard. The application shall be accompanied by a Preliminary Plan satisfying the submission requirements of Appendix C. Failure to submit an application within six months shall require resubmission of the Preapplication to the Board.

Section 3. Escrow Fee

The developer shall pay an escrow fee of \$250 per lot or dwelling unit, to be deposited in a special escrow account designated for that subdivision application, to be used by the Board for hiring independent consulting services to review engineering and other technical submissions associated with the application, and to ensure compliance with the Zoning Ordinance and Subdivision Regulations. If the balance in this special account is drawn down by 75%, the Planner/CEO shall notify the developer, and require that the balance be brought back up to the original deposit amount. The Planner/CEO shall continue to notify the developer and require a deposit as necessary whenever the balance of the escrow account is drawn down by 75% of the original deposit. Any balance in the escrow account remaining after a decision on the final plan application by the Board shall be returned to the developer.

Section 4. Preliminary Plan Review

The Board shall not review any preliminary plan application unless the developer attends the meeting. Should the developer fail to attend, the Board shall reschedule review of the application for its next regular meeting. Within thirty days of the receipt of the preliminary plan application, the Board shall determine whether the application is complete and notify the developer in writing of its determination. The Planner/CEO shall distribute sign-off forms to the Road Commissioner, Fire Chief, Police Chief, Wastewater Superintendent, Director of Solid Waste, E 911 Addressing Officer and Superintendent of Schools. The form shall specify the plans to be reviewed and the number of dwelling units proposed. If the application is not complete, the Board shall notify the developer of the specific additional material needed to complete the application.

Section 5. Public Hearing

The Board shall hold a public hearing within thirty days of determining that it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of

general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. In addition, the notice of the hearing shall be posted in at least two prominent places within the municipality at least seven days prior to the hearing. A copy of the notice shall be sent by First Class mail to abutting landowners and to the developer, at least ten days prior to the hearing.

Section 6. Preliminary Plan Determination

Within thirty days from the public hearing or within sixty days of determining a complete application has been received, or within another time limit as may be otherwise mutually agreed to by the Board and the developer, the Board shall approve, approve with conditions, or deny the preliminary plan application. The Board shall specify in writing its findings of facts for any conditions or denial.

When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:

1. The specific changes that will be required on the final plan;
2. The construction items for which cost estimates and performance guarantees will be required as a prerequisite to the approval of the final plan.

Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted to the Board for review upon fulfillment of the requirements of these regulations and the conditions of preliminary plan approval, if any. Prior to review of the final plan, the Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received. Formal findings of fact are not required for approval of a preliminary plan.

If the preliminary plan is denied, then the decision shall be treated as a final decision and formal findings of fact, conclusions and a decision shall be drafted.

ARTICLE 7 – MAJOR SUBDIVISION FINAL PLAN REVIEW

Section 1. Purpose

The purpose of the Final Plan Review is to determine whether the proposed subdivision meets the standards of Article 8 and Title 30-A, MRSA, Section 4401 et. Seq.

Section 2. Final Plan Submission

Within six months after the approval of the preliminary plan, the developer shall submit 9 copies of an application for approval of the final plan with all supporting materials and the appropriate fee, at least 15 days prior to a scheduled meeting of the Board. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board shall require resubmission of the preliminary plan, except as stipulated below.

Section 3. Request for Extension

If a developer cannot submit the final plan within six months, due to delays caused by other regulatory bodies, or other reasons, the developer may request an extension. Such a request for an extension to the filing deadline shall be filed in writing to the Board, prior to the expiration of the filing period. In considering the request for an extension the Board shall make findings that the developer has made due progress in preparation of the final plan and in pursuing approval of the plans before other agencies, and that municipal ordinances or regulations which may impact on the proposed development have not been amended.

Section 4. Replenishment of Escrow Account

The Planning Board may continue to require the replenishment of the escrow account for hiring independent consulting services to review the application for final plan approval, along with any supporting materials, pursuant to the procedures of Article 6, Section 3.

Section 5. State and Federal Permits

Prior to submission of the final plan application, the following approvals shall be obtained in writing, where applicable:

1. Maine Department of Environmental Protection, under the Site Location of Development Act.
2. Maine Department of Environmental Protection, under the Natural Resources Protection Act or Law, or if an MEPDES wastewater discharge license is needed.
3. Maine Department of Human Services, if the developer proposes to provide a public water system.
4. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.

5. Maine Department of Transportation Traffic Movement Permit, and/or Highway Entrance/Driveway Access Management Permit.
6. If the preliminary plan identified any areas listed on or eligible to be listed on the National Register of Historic Places, the developer shall submit a copy of the plan and a copy of any proposed mitigation measures to the Maine Historic Preservation commission prior to submitting the final plan application.

If the Board is unsure whether a permit or license from a state or federal agency is necessary, the developer may be required to obtain a written opinion from the appropriate agency as to the applicability of their regulations.

Section 6. Final Plan Review

The Board shall not review any final plan application unless the developer or developer's representative attends the meeting. Should the developer or developer's representative fail to attend, the Board shall reschedule review of the application at its next regular meeting. Within three days of the receipt of the Final Plan application, the Board, or its designee, shall issue a dated receipt to the developer.

Within thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the developer in writing of its determination. Upon determination that a complete application has been submitted for review, the Board shall notify the developer in writing. The Board shall also determine whether to hold a public hearing on the final plan application. If the application is not complete, the Board shall notify the developer of the specific additional material needed to complete the application.

Section 7. Public Hearing

If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days prior to the hearing. In addition, the notice of the hearing shall be posted in at least two prominent places within the municipality at least seven days prior to the hearing. A copy of the notice shall be sent by First Class mail to abutting landowners and to the developer, at least ten days prior to the hearing.

Section 8. Performance Guarantees

Before the Board grants approval of the final plan, the developer shall meet the performance guarantee requirements contained in Article 10. Within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the developer, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Title 30-A M.R.S.A., §4404 and the standards of these regulations. If the Board finds that all the criteria of the statute and the standards of these regulations have been met, they shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of these regulations have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the record.

Section 9. Recording Plan

The recording plan for a major subdivision shall meet the requirements of Appendix K.

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ARTICLE 8 - APPROVAL STANDARDS

The State Subdivision Law, Title 30-A M.R.S.A §4404, establishes the criteria for review of a proposed subdivision and requires the Planning Board to find that the proposal meets these criteria. The performance standards and design guidelines in this article are intended to clarify and expand upon the criteria for approval found within the subdivision statute. Compliance with the design guidelines of this section shall be considered evidence of meeting the performance standards. Proposed subdivisions not in compliance with the design guidelines may be considered, but the developer shall provide clear and convincing evidence that the proposed design will meet the statutory criteria for approval and the performance standards. In all instances, the burden of proof shall be upon the developer to present adequate information to indicate the statutory criteria for approval and performance standards have been or will be met. The Board shall make findings that each standard has been met prior to the approval of a final plan. The “State Standards” listed below are the actual statutory standards as set out in Title 30-A, section 4404.

Section 1. Pollution

A. *State Standard*

The proposed subdivision will not result in undue water or air pollution. In making the determination, the Board shall at least consider:

1. The elevation of the land above sea level and its relation to flood plains;
2. The nature of soils and sub soils and their ability to adequately support waste disposal;
3. The slope of the land and its effect on effluents;
4. The availability of streams for disposal of effluents; and
5. The applicable state and local health and water resources rules and regulations.

B. *Performance Standards*

The proposed subdivision shall not discharge wastewater or storm water to a water body without a license from the Maine Department of Environmental Protection.

Section 2. Sufficient Water

A. *State Standard*

The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision.

B. *Performance Standards*

1. Public Water

When practical, any subdivision shall make provisions for connection to the public water supply system if the public utility indicates that it can provide water service.

2. Private Wells

When a proposed subdivision will not be served by a public water system, water supply shall be from individual wells or a private community water system.

a. Lot design shall provide for placement of wells, subsurface wastewater disposal areas, and where required, reserve sites for subsurface wastewater disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules, the Well Drillers and Pump Installers Rules.

b. If a central water supply that meets the definition of a public water supply is provided by the developer, the protection of the location, source, design, construction, and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).

c. Open space subdivisions may place independent water supply systems in the open space.

d. Dug wells shall not be used to satisfy the requirements of this Ordinance.

3. Fire Protection

Public water supply systems shall include fire hydrants, to be installed at the expense of the developer. In areas where the Planning Board determines, based upon the written recommendation of the Fire Chief or his/her designee, that a reliable water supply for fire fighting purposes is not available within one-half mile of the site, the developer shall be responsible for providing adequate fire protection water supply in accordance with NFPA 1231. Acceptable methods include, but are not limited to, fire ponds with an approved dry hydrant, other water sources with an approved dry hydrant, participation in the town's plans to reclaim existing fire ponds, or approved residential sprinkler systems in each principal building. An easement shall be granted to the Town for access to and maintenance of dry hydrants or reservoirs where necessary.

C. *Design Guidelines*

1. Public Water

a. The developer shall secure in writing a statement from the servicing water company that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to serve domestic water and fire protection needs.

b. The construction of water lines shall include the construction of laterals to the property line of each lot created.

c. The minimum permitted water main size shall be eight inches.

2. Private Wells

Private wells shall meet the requirements of CMR Chapter 232, Well Drillers and Pump Installers Rules.

3. Fire Protection

- a. Where fire ponds are built for fire protection, a minimum storage capacity of ten thousand (10,000) gallons plus additional storage of two thousand (2,000) gallons per lot or principal building or such other amount as required by the Fire Chief shall be provided. The Board may approve an alternate storage capacity based on the fire flow calculation of NFPA 1231 and as approved by the Fire Chief. 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 (3) feet of ice. A detailed plan of the required pond, dry hydrant, piping, and/or access road shall be submitted as part of the application. The Fire Chief shall approve the design of all storage facilities.
- b. Dry hydrants or other provisions for fire protection water supply shall meet the specifications of the Fire Department and NFPA 1231. The design of hydrants shall be approved by the Fire Chief or his/her designee.
- c. Where a dry hydrant or other water source is not within the right-of-way of a proposed or existing public street, an easement shall be provided to the Town for access to, maintenance, and use of the dry hydrant or reservoir. A suitable access way to the hydrant or other water source shall be constructed by the developer. It shall be built to standards approved by the Fire Chief. Once the hydrant is constructed and the easement accepted by the Town, the Town shall be responsible for the maintenance of the access way and hydrant.
- d. The developer shall be responsible for the maintenance of the fire protection water supply for a period of one (1) year following its installation and shall be responsible for any improvements required by the Fire Chief during this period to provide adequate storage capacity and flows.

Section 3. Municipal Water Supply

A. State Standard

The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used.

B. Performance Standards

A proposed subdivision shall not generate a demand on the source, treatment facilities, or distribution system of the water company beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision.

C. Design Guidelines

The developer shall secure in writing a statement from the servicing water company that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to serve domestic water and fire protection needs.

Section 4. Erosion

A. *State Standard*

The proposed subdivision will not cause unreasonable sedimentation or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

B. *Performance Standards*

1. The proposed subdivision shall prevent soil erosion from entering water bodies, wetlands, and adjacent properties.
2. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
3. The Board may waive submission of the erosion and sedimentation control plan if the project will not involve grading, which changes drainage patterns.

C. *Design Guidelines*

1. Erosion control measures shall meet the standards of the *Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices*.
2. Disturbed land shall be exposed for the shortest time possible.
3. Hay bales, silt fences or other techniques to capture sediment during construction shall be placed between areas of construction activity and stream channels, ditches and other elements of the drainage system.
4. Topsoil and other materials excavated from or brought to the site of development shall not be stockpiled on the site in a manner that allows sedimentation into any watercourse.
5. Disturbed areas shall be mulched and seeded or planted as soon after construction as practicable. Areas in which there has been insufficient catch by the time the growing season ends, shall be properly re-mulched if necessary. All temporary erosion control structures shall be removed from the site as soon as vegetative cover has become well established.

Section 5. Traffic

A. *State Standard*

The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of an urban compact municipality as defined by (M.R.S.A.) Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveway or entrances conform to (M.R.S.A.) Title 23, section 704 and any rules under that section.

B. *Performance Standards*

The proposed subdivision transportation infrastructure shall be designed to:

- Provide safe and convenient circulation and safeguards against hazards for vehicles, bicyclists and pedestrians on interior subdivision streets and access connections to external streets;
- Be compatible with the estimated Average Annual Daily Traffic and the zoning district(s) where the subdivision is located;
- Utilize context sensitive design to maintain a positive relationship between the transportation infrastructure and the natural setting of the proposed subdivision site.

1. General Access Standards

Any subdivision access connecting with external streets shall meet the following standards:

- a. An access connecting to a state or state-aid highway shall meet the minimum access permitting requirements of the latest edition of the Maine Department of Transportation “Highway Driveway and Entrance Rules”;
- b. An access that is expected to carry more than 100 passenger vehicle equivalent trips in the peak hour shall meet the minimum access permitting requirements of the latest edition of the Maine Department of Transportation “Rules and Regulations Pertaining to Traffic Movement Permits”.
- c. No subdivision shall reduce the Level of Service (LOS) of streets or intersections neighboring the subdivision to a LOS of “E” or below, unless:
 - (i) the level of service of the road or intersection will be raised to D or above through transportation demand management techniques; or
 - (ii) the developer provides evidence that it is not possible to raise the level of service of the road or intersection to D or above by road or intersection improvements or by transportation demand management techniques, and improvements will be made or transportation demand management techniques will be used such that the proposed development will not worsen the operational condition of the road or intersection within a year of completion; or
 - (iii) improvements cannot reasonably be made because the road or intersection is located in a central business district or because implementation of the improvements will adversely affect an historic site as defined in 06-096 CMR 375(11) (Preservation of Historic Sites) and transportation demand management techniques will be implemented to the fullest extent practical; or
 - (iv) the development is located in a designated growth area, in which case the developer shall be entitled to an exception from the level of service mitigation requirements set forth under the General Standards in this Section. This exception applies even if part or all of the traffic impacts of the proposed development will occur outside the boundaries of the designated growth area. This exception does not exempt the development from meeting safety standards, and greater mitigation measures may be required than otherwise would be required.
- d. Accesses to non-residential subdivisions or to multifamily developments shall be designed to avoid queuing of entering vehicles on any street. Left lane storage capacity shall be provided to meet anticipated demand. A study or analysis to determine the need for a left-turn storage lane may be required by the Board.

2. General Internal Subdivision Street Standards

All internal subdivision streets shall meet the following minimum standards.

- a. The street or street system of the proposed subdivision shall be designed to coordinate with existing, proposed, and planned streets. Dead end streets shall have street stubs extending to the property line of the parcel, as deemed necessary by the Board, to logically extend the street system to a future phase of the same development or to future development on abutting property. All street stubs shall provide temporary turnarounds or cul-de-sacs. The restoration and expansion of the street shall be the responsibility of any future developer of abutting land. Minor collector and local streets shall connect with surrounding streets to permit convenient movement of traffic between residential neighborhoods and facilitate emergency access and evacuation, but such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through-traffic.
- b. Where the Planning Board determines that there are particular hazards to vehicles, bicyclists or pedestrians or the potential for traffic congestion, then provision shall be made to mitigate the hazards or congestion. Mitigation shall include but not be limited to turning lanes, traffic directional islands, frontage roads, sidewalks, bicycle ways, guardrails, transportation demand management techniques, and traffic controls within existing internal public streets.
- c. For blocks exceeding 800 feet in length, the Planning Board may require the reservation of a 30-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic.
- d. Streets shall be named according to the Town of Camden Addressing Policy. The developer shall install street name, traffic safety and control signs meeting municipal specifications or reimburse the municipality for the costs of their installation.

3. General Private Road Standards

The approval of a subdivision plan by the Planning Board shall not constitute or be evidence of any acceptance by the Town of any road or easement shown on such plan, and the Board shall require the Plan to contain appropriate notes to this effect. All subdivision roads shown on an approved subdivision plan shall be presumed to be private roads unless and until such roads are accepted as public roads by the Town.

The Planning Board shall require, as a condition of approval of any subdivision plan with a private road or roads, the following:

- a. The creation of a Maine member-benefit non-profit corporation (hereinafter "Homeowner's Association") to which the applicant/owner will transfer title to the subdivision road(s). The Bylaws of the Homeowner's Association shall provide, at a minimum,
 - (i) that the entity shall be responsible for the maintenance, including snowplowing, repair, and reconstruction of said road(s) and appurtenances;
 - (ii) that the owners of each lot shall be members of said entity;
 - (iii) that if a lot is owned by more than one person or entity, that each lot shall have one vote;
 - (iv) an estimate of the annual cost and a formula for the apportionment of the cost of any such maintenance, repair, or reconstruction among lot owners; and
 - (v) that the applicant/owner shall convey the subdivision road(s) and any appurtenances to the Homeowner's Association after the Town code enforcement officer has certified that the said road(s) and its appurtenances are completed according to the standards of their approval and before the last of the

lots has been conveyed from the applicant/owner to third parties. Any apportionment formula which does not provide for an equal sharing of costs among lot owners must be approved by the Planning Board. Any Homeowner's Association created pursuant to this Section 2 (b) may also be used for other purposes not inconsistent with the purposes of this Article I, and may be used as the entity to hold title to common space and other common amenities within a subdivision.

- b. A restrictive covenant, appurtenant to each subdivision lot, requiring that the owner of any lot in said subdivision shall be a Member of the Homeowner's Association. The applicant/owner shall cause a Declaration of the said restrictive covenant, with a copy of the non-profit corporation Bylaws attached thereto, to be recorded in the Knox County Registry of Deeds prior to the conveyance of any subdivision lot. The Declaration shall provide, at a minimum, that the covenant is for the benefit of each lot owner and the Homeowner's Association and may be enforced in law or equity by any benefited party. A reference to the Declaration of said restrictive covenant shall be included in any deed of conveyance of a subdivision lot from the applicant/owner. A note shall also be included on the Final Plan setting out the restrictive covenant and the notice requirements of this Section 2 (b).
- c. Nothing in this section shall be construed to limit the ability of an applicant/owner to impose or declare further restrictive covenants on the subdivision lots, or to limit the inherent authority of the Planning Board to require further restrictive covenants as a condition of subdivision approval.

C. Design Guidelines

1. Access Control

To the maximum extent practical, any subdivision access shall be constructed perpendicular to the external streets and no less than 60 degrees. Where a subdivision abuts an arterial street, no lot may have vehicular access directly to the arterial street. This requirement shall be noted on the plan and in the deed of any lot with frontage on the arterial street.

- a. Where a lot has frontage on two or more streets, access shall be provided across the frontage to the street where there is lesser potential for traffic congestion and hazards to traffic and pedestrians. This restriction shall appear as a note on the plan and as a deed restriction to the affected lots. In cases where access to a lesser-traveled way is problematic, the Board may allow access on the higher volume street if the access does not significantly detract from public safety. For accesses on higher volume streets, the Board shall consider the functional classification of the external street, the length of frontage, the intensity of traffic generated by the proposed subdivision, the geography along the frontage of the public way with lesser potential for traffic, and the distance to the public way with lesser potential for traffic.
- b. Lots in subdivisions with frontage on a state or state aid highway shall have shared access points to and from the highway. Normally a maximum of two accesses shall be allowed regardless of the number of lots or businesses served.
- c. Minimum sight distance requirements for all subdivision accesses connecting to external streets shall be contingent on the posted speed of the external street connecting to the subdivision access and shall comply with the site distance requirements in Appendix E and F.
- d. Access design shall be based on the traffic volume estimates anticipated to be carried by the internal subdivision street. Traffic volume estimates shall be defined by the latest edition of the

Trip Generation Manual published by the Institute of Transportation Engineers. The following traffic volume standards shall apply to the design of subdivision accesses connecting to external streets:

- (i) Low Volume Access: An access with 50 or less passenger car equivalent trips per day.
 - (ii) Medium Volume Access: Any access with more than 50 passenger car equivalent trips per day but less than 100 passenger car equivalent trips during the peak hour.
 - (iii) High Volume Access: Any access with 100 or more passenger car equivalent trips during the peak hour.
- e. The minimum access design standards of Appendix E and F shall apply to all low and medium volume accesses connecting to external streets:
- f. Medium volume accesses on state or state-aid highways designated as Major Collectors or Arterials shall exceed the minimum curb radius standard in Appendix E and F if necessary to accommodate a larger design vehicle.
- g. All high volume accesses shall meet the requirements of the latest edition of the Maine Department of Transportation's "Rules and Regulations Pertaining to Traffic Movement Permits." A copy of the Maine Department of Transportation's required traffic study shall be submitted to the Board.

2. Street Design Standards

The Board shall not approve any subdivision plan unless proposed streets are designed in accordance with the specifications contained in these regulations. Approval of the final plan by the Board shall not be deemed to constitute acceptance by the municipality of any street or easement.

Upon receipt of plans for a proposed street, the Planner/CEO shall forward one copy to the Road Commissioner, Police Chief and Fire Chief for review and comment. Where the developer proposes improvements within existing streets, the proposed design and construction details shall be approved in writing by the Road Commissioner or the Maine Department of Transportation, as appropriate. The traveled way must be wide enough to allow safe passage of vehicles in either direction, yet should not be wider than necessary.

- a. These design guidelines shall control the roadway, shoulders, clear zones, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the street, and shall be met by all streets within a subdivision, unless the developer can provide clear and convincing evidence that an alternate design will meet good engineering practice and the performance standards of this Article.
- b. Reserve strips controlling access to streets shall be prohibited unless their control is placed with the municipality.
- c. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these regulations), the plan shall provide areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements of the zoning ordinance.
- d. Any subdivision and any street expected to generate average daily traffic of 200 trips per day shall have at least two street connections with existing public streets or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.

e. The design standards of Appendix E and F shall be compatible with the traffic volume access thresholds referenced in Section 5, C, 1, (d). In addition, the street design standards shall be compatible with the estimated Average Daily Traffic expected to occur on the internal subdivision street, and the land use type and lot density allowed in the zoning district. The following land use density pattern requirements shall be required for the following zoning districts.

- (i) Land use density patterns that are R/CR shall apply to the Rural-1, Rural-2, and Coastal Residential Districts.
- (ii) Land use density patterns that are V/VE shall apply to the Traditional Village and Village Extension Districts.
- (iii) Land use density patterns that are C/I shall apply to B-1, B-2, B-3, B-4, B-TR, B-R, B-H, B-TH and Industrial Districts if the proposed development will contain commercial or industrial uses.

g. Curbs and Shoulders

In subdivisions with average lot widths of between 50 and 100 feet, the Board may require a paved road surface of 26 feet to accommodate on-street, spillover parking.

- (i) Curbs shall be installed by the developer, where necessary for storm water management. Curbs for storm water management shall be contingent on the storm water design standards specified in Section 16, C.
- (ii) When a vertical curb and no parking lane is present, a minimum shoulder of 2 feet is recommended from the traveled way to the curb. For sloped curbs where no parking lane is present, a minimum 1-foot shoulder is required from the traveled way to the curb.
- (iii) Bituminous curbing shall be installed on the base course of the pavement.
- (iv) Granite curbing shall be installed on a thoroughly compacted gravel base of six inches minimum thickness.
- (v) In situations where the Planning Board has determined that paved shoulders should be provided for bicyclists, the minimum width of the shoulder shall be 1 foot on either side of the traveled way for all low and medium volume streets in rural designated zones. Paved shoulder widths for low and medium volume streets in Village/Village Extension (V/VE) designated zones shall be a minimum of 2 feet on either side of the traveled way.

h. The centerline of the roadway shall be the centerline of the right-of-way.

i. Dead End Streets

In addition to the design standards in Appendix E and F, dead-end streets shall be constructed to provide a cul-de-sac with a travel lane and width equal to the minimum width required for the internal subdivision street. For all residential cul-de-sacs the minimum radius shall be 45 feet to the inside edge of the traveled way. For commercial/industrial cul-de-sacs the minimum radius shall be 50 feet. All cul-de-sacs shall be fully vegetated and shall be maintained by the developer or homeowners' association. Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained, when practicable, within the center of the cul-de-sac. The Board may require the reservation of a twenty foot easement in line with a street intended for town acceptance to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a right-of-way easement equal to the right of way width of the internal subdivision street in line with the street to provide continuation of

the road where future subdivision is possible. A T-turn around is permissible for any residential subdivision road carrying an ADT of 100 or less for the entire subdivision, provided that the turn around is not used for parking. The turn around area shall have a width equal to the street width, a 5-foot turning radius, and a total length of 50 feet centered above the street.

j. Sidewalks

The Board may require sidewalks when it is feasible to connect to existing sidewalks and when the Board determines a need due to the proximity of the proposed subdivision to existing neighborhood businesses, schools, community facilities, or other pedestrian traffic generators. The Board may require sidewalks on both sides of the street. Sidewalks shall be a minimum of three feet in width and shall be either bituminous or Portland Cement concrete.

Sidewalks may be located adjacent to the curb or shoulder but it is recommended to locate sidewalks a minimum of 2 1/2 feet from the curb facing, or edge of shoulder if the street is not curbed. If no shoulder is required, the sidewalk shall be located a minimum of 4 feet from the edge of the traveled way.

k. Private Roads

- (i) All private roads shall be designated as such and will be required to have adequate signage indicating the road is a private road and not publicly maintained.
- (ii) Except for sidewalk, bicycle provisions and minimum grade requirements stipulated in this Section, all private roads shall adhere to the road design standards of this Section.
- (iii) All properties served by the private road shall provide adequate access for emergency vehicles and shall conform to the approved local street numbering system.
- (iv) All private roads shall have adequate provisions for drainage and stormwater runoff as provided in Article 8, Section 16, C.
- (vi) Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan: "All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town, until they meet all municipal street design and construction standards."

3. Utilities

Utilities shall be installed underground, unless in the sole discretion of the Planning Board, such an installation would cause unnecessary hardship, or due to the prevalence of overhead wires in the immediate vicinity, such utility should be an extension of the overhead wire network. The Board may approve overhead electrical service for minor subdivisions or for affordable housing. Utilities shall be installed in a timely manner during street construction to prevent excavation of the finished street. The location of utilities shall be illustrated in a typical cross-section, in accordance with the following:

a. Electrical systems

- (i) Below ground:
Location--under sidewalk area (either side)
Operational width--5 feet Recommended minimum depth--CMP standard
- (ii) Above ground (if permitted by Planning Board):
Poles and light standards (either side) face of structure 1 foot in back of face of curb;
or, 5 feet inside of right of way line

b. Sewer and storm water systems

- (i) Location--highway center line for sanitary gutter lines for storm (at curb), both sides
- (ii) Operational width--6 feet
- (iii) Recommended minimum depth--7 feet for sanitary, 4 feet for storm, or as otherwise properly engineered

c. Data systems

- (i) Below ground:
Location--under sidewalk area (either side)
Operational width--5 feet Recommended minimum depth--2 feet of cover
- (ii) Above ground (if permitted by Planning Board):
Poles and pedestals (either side) face of structure 1 foot in back of face of curb; or 5 feet inside right-of-way line

d. Water systems:

- (i) Location--on north and west side of street, 5 feet inside berm or curb
- (ii) Operational width--6 feet
- (iii) Recommended minimum depth--6 feet of cover
- (iv) Hydrants--1 foot in back of face of curb, or inside right of way line

4. Street Construction Standards

a. The minimum thickness of material after compaction shall meet the specifications in Appendix H.

b. Preparation

- (i) Before any clearing has started on the right-of-way, the centerline and side lines of the new road shall be staked or flagged at fifty foot intervals.
- (ii) Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, clear zones, sidewalks, drainage-ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.
- (iii) All organic materials or other deleterious material shall be removed to a depth of two feet below the sub grade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the sub grade of the roadway. On soils which have been identified by the developer's engineer as not suitable for roadways, either the subsoil shall be removed from the street site to a depth of two feet below the sub grade and replaced with material meeting the specifications for gravel aggregate sub-base below, or a Maine Department of Transportation approved stabilization geotextile may be used.
- (iv) Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge, a side slope no steeper than one foot horizontal to four feet vertical is permitted.
- (v) During street construction, the entire right of way shall be cleared only if necessary for utilities, drainage or other infrastructure necessities beyond the clear zone.
- (vi) All underground utilities shall be installed prior to paving to avoid cuts in the pavement.
- (vii) Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.
- (viii) Following street construction, the developer or contractor shall conduct thorough

clean up of stumps and other debris from the entire right of way created during the street construction process. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and shall be suitably covered with fill and topsoil, limed, fertilized, and seeded.

c. Bases and Pavement.

(i) Bases/Sub base

The aggregate sub base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three-inch square mesh sieve shall meet the grading requirements of Appendix H. Aggregate for the sub base shall contain no particles of rock exceeding six inches in any dimension. If the aggregate sub base course is found to be not fine gradable because of larger stones, then a minimum of three inches of aggregate base course shall be placed on top of the sub base course. The aggregate base course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. Aggregate that passes through a three-inch square mesh sieve shall meet the gradation requirements of Appendix H. Aggregate for the base shall contain no particles of rock exceeding two inches in any dimension.

(ii) Pavement

Minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade B with an aggregate size no more than 1 inch maximum and a liquid asphalt content between 4.8% and 6.0% by weight depending on aggregate characteristics. The base pavement may be placed between April 15 and November 15, provided the air temperature in the shade at the paving location is 35°F or higher and the surface to be paved is not frozen or unreasonably wet. Minimum standards for the surface layer of pavement shall be the Maine Department of Transportation specifications for plant mix modified C or other mix acceptable to the Road Commissioner, with an aggregate size no more than 3/4 inch maximum and a liquid asphalt content between 5.8% and 7.0% by weight depending on aggregate characteristics. The surface pavement may be placed between April 15 and October 15, provided the air temperature in the shade at the paving location is 50°F or higher.

(iii) Pavement Joints

When new pavement joins existing pavement, the existing pavement shall be cut along a smooth line to a neat, even, vertical joint and ground at least 2 feet beyond the joint.

(iv) Surface Gravel

The Board may approve a gravel surface for any internal, private subdivision road with a maximum ADT of 50. The surface gravel shall meet the gravel grading requirements of Appendix G. When a gravel subdivision road intersects an existing paved road, the subdivision road shall be paved for a minimum distance of 18 feet from the existing road.

(v) Sidewalks

The “sub base” aggregate course shall be no less than twelve inches thick after compaction. The hot bituminous pavement surface course shall be MDOT plant Mix Grade D constructed in two lifts, each no less than one inch after compaction. The Portland cement concrete shall be reinforced with six inch square, number 10 wire mesh

and shall be no less than four inches thick. Relief cuts are required and rebar shall be used for reinforcement at the intersection of separate pours.

- d. For inspections required during construction, see Article 9, Inspections and Enforcement.

Section 6. Sewage Disposal

A. State Standard

The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.

B. Performance Standards

1. Public Sewer

- a. When practical, any subdivision shall make provisions for connection to the public sewer system if the Camden Wastewater Department indicates that it can provide sewer service.
- b. The Camden Wastewater Department shall certify that providing service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision.
- c. All components of the sanitary sewerage system must be designed by a professional engineer registered in the State of Maine. The Department shall review and approve the construction drawings for the sewer system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the Department. All components of the system shall be tested for full compliance with the design specifications and construction practices established by the Department.
- d. The construction of sewer lines shall include the construction of laterals to the property line of each lot created.
- e. Upstream sewage flows shall be accommodated by an adequately sized system through the proposed subdivision for existing conditions and potential development in the upstream area or areas tributary to the proposed development.

2. Private Systems

- a. The developer shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
 - (i) The site evaluator shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough for a disposal area on soils which meet the Disposal Rules.
 - (ii) The Board may require a second site with suitable soils to be shown as a reserve area if site conditions are such that areas for disposal are highly limited. Reserve areas should be considered when a lot is less than one acre in size or is located in a subdivision that has a net residential density of more than one unit per acre; if the lot is located outside of the existing and likely future service area of the public water system; if the lot includes a natural resource such as, but not limited to, being located over a mapped sand and gravel aquifer; or is in a shoreland area, or

within one hundred (100) horizontal feet of a high value wetland. The reserve area shall be shown on the plan and restricted so as not to be built upon.

(iii) In no instance shall a disposal area be on a site, which requires a New System Variance from the Subsurface Wastewater Disposal Rules. The Board may waive this standard only in instances where no other reasonable alternative exists. In determining the granting of a waiver, the Board may require the developer to submit a list of alternatives prepared by a Licensed Site Evaluator.

Section 7. Municipal Solid Waste Disposal

A. *State Standard*

The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized.

Section 8. Aesthetic, Cultural and Natural Values.

A. *State Standard*

The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, rare and irreplaceable natural areas, or any public rights for physical or visual access to the shoreline.

B. *Performance Standards*

If the subdivision is designed as an open space development in conformance with the provisions of the Zoning Ordinance, the plan shall provide for the conservation of the highest value resources on the site. All subdivisions shall conform to the following:

1. Preservation of Natural Beauty and Aesthetics

- a. The plan shall (by notes on the final plan and deed restrictions) limit the clearing of trees to those areas designated on the plan, except as necessary for good forestry practices.

2. Retention of Open Spaces and Natural, Historic, or Archeological Features

- a. If any portion of the subdivision is located within an area designated as a critical nature area by the comprehensive plan, the subdivision plan shall indicate appropriate measures for the preservation of the values that qualify the site for such designation.
- b. If any portion of the subdivision is designated as a site of historic, prehistoric, or archeological importance by the comprehensive plan or the Maine Historic Preservation Commission, appropriate measures for the protection of the resources shall be included in the plan.

3. Protection of Significant Wildlife Habitat

If any portion of a proposed subdivision lies within areas identified and mapped by the Department of Inland Fisheries and Wildlife (in digital format dated June 30, 2006, as amended from time to time), the developer shall demonstrate that there shall be minimal impacts on the habitat and species it supports. The plan shall provide for protection of the identified resource in a manner acceptable to the Maine Department of Inland Fisheries and Wildlife or in accordance with the recommendations of a wildlife biologist with demonstrated experience with the wildlife resource being impacted and approved by the Board. In the latter situation, the report prepared by the wildlife biologist shall assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the subdivision will have minimal impacts on the habitat and the species it supports. These areas include:

- a. Habitat for species appearing on the official state or federal lists of endangered or threatened species;
- b. High and moderate value waterfowl habitats, including nesting and feeding areas; or
- c. High or moderate value deer wintering areas.

4. Shoreline Access

Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way.

C. *Design Guidelines*

1. Preservation of Natural Beauty and Historic Features

- a. The Planning Board may require that a proposed subdivision include a landscape plan that will show the preservation of existing individual trees (10-inch diameter or greater) or important stands of trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic, or environmentally desirable areas.
- b. The street and lot layout shall be adapted to the topography.
- c. Extensive grading and filling shall be avoided as far as possible. Except for surplus topsoil from roads, parking areas and building excavations, topsoil shall not be removed from the site.
- d. Cutting of trees on the northerly borders of the subdivision shall be avoided to the extent possible to retain a natural wind buffer.
- e. Street trees, esplanades, and open green spaces may be required at the discretion of the Planning Board.
- f. Land in cluster developments to be reserved as open space or natural area shall be so labeled, with the notation, "Open space not to be developed," on the Final Plan.
- g. The Planning Board may require a shadow study if it believes the proposed development may interfere with the solar access of adjacent properties.
- h. Subdivisions within the Rural-1, Rural-2 and Coastal Residential Districts shall maintain existing vegetated buffers along existing roads for a minimum distance of 25 feet into the lot. The measurement may include vegetation within the right of way. The buffer may be broken only for driveways and streets.

2. Retention of Natural or Historic Features

Proposed subdivisions which include or are adjacent to buildings, sites, or districts on the National Register of Historic Places or which the comprehensive plan has identified as being of historical significance shall be designed in such a manner as to minimize the impacts on the historic features.

3. Protection of Significant Wildlife Habitat and Important Habitat Areas

The following guidelines are designed to protect the significant wildlife resources identified in the municipality. The Board recognizes that wildlife management must take into account many site-specific variables. Developers proposing to subdivide land within identified wildlife resources must consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist and provide their written comments to the Board. The guidelines of this section shall apply to only those subdivisions which include significant wildlife habitat.

a. Protection of Habitat of Endangered or Threatened Species

- (i) When open spaces are required, the habitat of species appearing on the official state or federal lists of endangered or threatened species shall be maintained.
- (ii) Deed restriction shall reflect standards from the Department of Inland Fisheries and Wildlife for removal of vegetation within two hundred and fifty (250) feet of the habitat for species appearing on the list of endangered or threatened species unless the Department of IF&W has approved cutting of vegetation in writing.

b. Protection of Waterfowl Habitat

- (i) There shall be no cutting of vegetation within the strip of land extending seventy-five (75) feet inland from the normal high-water mark of high and moderate value waterfowl habitats, including nesting and feeding areas.
- (ii) This restriction shall appear as a note on the plan and as a deed restriction to the affected lots.

c. Protection of Deer Wintering Areas

The report prepared by a wildlife biologist, selected or approved by the Board, shall include a management plan for deer wintering areas.

d. Protection of Shoreland Areas

- (i) All areas subject to Shoreland Zoning shall comply with the relevant standards.
- (ii) These restrictions shall appear as notes on the plan and as deed restrictions to the affected lots.

e. If the proposed subdivision includes other important wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the comprehensive plan, the restrictions on activities in and around these areas shall be reviewed by the Department or a qualified wildlife biologist, and their comments presented in writing to the Board.

Section 9. Financial and Technical Capacity

A. State Standard

The developer has adequate financial and technical capacity to meet the standards of this section.

B. Performance Standards

1. Financial Capacity

The developer shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of these regulations. In making the above determinations, the Board shall consider the proposed time frame for construction and the effects of inflation.

2. Technical Ability

- a. The developer shall retain professional consultants to supervise, construct, and inspect the required improvements in the proposed subdivision.
- b. In determining the developer's technical ability, the Board shall consider the developer's previous experience, the experience and qualifications of the developer's consultants and contractors, and known violations of previous approvals involving the developer, consultants, contractors, or other agents of the developer.

Section 10. Surface Waters; Outstanding River Segments

A. *State Standard*

Whenever situated entirely or partially within the watershed of any pond or lake or within two hundred and fifty (250) feet of any wetland, great pond, or river as defined in Title 38, Chapter 3, Subchapter I, Article 2-B (Section 435-490), the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water. (As of July 1, 2007, there are no outstanding river segments in Camden.)

When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.

1. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than two hundred and fifty (250) feet that is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.
2. The frontage and setback provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning as defined in Title 38, Chapter 3, Subchapter I, Article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of Section 4401, Subsection 1, on September 23, 1983.

B. *Performance Standards*

The application shall demonstrate that the cutting or removal of vegetation along water bodies will not increase water temperature, or result in shoreline erosion or sedimentation of water bodies. It shall also demonstrate compliance with the shoreland zoning performance standards where applicable.

C. *Design Guidelines*

These restrictions shall appear as notes on the plan and as deed restrictions to the affected lots.

Section 11. Ground Water.**A. *State Standard***

The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

Section 12. Floodplain Areas**A. *State Standard***

Based on the Federal Emergency Management Agency's Flood Boundary, and Floodway Maps and Flood Insurance Rate Maps, and information presented by the developer, showing whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the developer shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

B. *Performance Standards*

If any proposed development within the subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency:

1. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damages.
2. All building shall be in accordance with the Camden Floodplain Management Ordinance as amended from time to time.
3. If restrictions are necessary, they shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly state that the municipality will enforce the construction requirements and that fact shall also be included in the deed or any other document previously described.

Section 13. Freshwater Wetlands**A. *State Standard***

All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

B. *Performance Standards*

Freshwater wetlands, including forested wetlands, shall be identified and mapped in accordance with the *1987 Corps of Engineers Wetland Delineation Manual*, published by the United States Army Corps of Engineers.

Section 14. River, Stream, or Brook

A. *State Standard*

Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in Title 38, Section 480-B, Subsection 9.

B. *Performance Standards*

The final subdivision plan shall show all rivers, streams, and brooks that are located within the subdivision or abut the subdivision.

Section 15. Storm Water

A. *State Standard*

The proposed subdivision will provide for adequate storm water management.

B. *Performance Standards*

1. For subdivisions that require DEP review under the Site Location of Development Act (SLDA), a storm water management plan shall be submitted which complies with the SLDA permit and the requirements of DEP Chapter 500 Regulations.
2. For subdivisions that do not require an SLDA permit, but require a DEP permit under the Storm Water Law, a storm water management plan shall be submitted which complies with the requirements of DEP Chapter 500 Regulations.
3. Adequate provision shall be made for the management of the quantity and quality of all storm water generated within the subdivision, and any drained ground water through a management system using practices equivalent to those described in the *Storm Water Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection, 1995.
4. Developers are encouraged to dispose of storm water on the land at the site of development, and

to do so through the wise use of the natural features of the site.

5. All natural drainage ways shall be preserved at their natural gradients and shall not be filled or converted to a closed system except as approved by the Planning Board and appropriate state agencies.
6. The design of storm water systems shall be fully cognizant of upstream runoff, which must pass over or through the site to be developed. The system shall be designed to pass upstream flows from the land as fully developed, generated by a 25-year storm, without surcharging the system.
7. The maximum length for carrying open storm water in a street gutter prior to intake at a catch basin shall be 300 feet. No storm water will be permitted to drain on the surface across a street or across an intersection.
8. The plans and specifications for any storm water system serving a proposed subdivision shall be designed by a professional engineer and installed according to the plans.
9. The developer shall maintain all components of the storm water runoff system until the system is formally accepted by the Town, or is placed under the jurisdiction of a legally created property owners association whose character and powers require maintenance of the system, with adequate financing to carry out this responsibility.

C. *Design Guidelines*

1. At the Planning Board's discretion, rights-of-way or easements shall be designated and offered to the Town for all significant components of the storm water system lying outside of established street lines. The rights-of-way or easements shall have a minimum width of thirty feet for open ditches, streams, or natural drainage courses, conforming substantially to the lines of such watercourse, provided that where a watercourse or detention area is wider than thirty feet, the Planning Board may require a width adequate for maintenance purposes.

2. Storm Water Drainage Construction Standards

- a. The minimum size of any storm drainage pipe shall be 15 inches.
- b. When drainage ditches are required to be constructed within the street right-of-way, the ditch line shall be a distance of ten feet or more from the edge of pavement of an arterial street, and a distance of eight feet or more from the edge of pavement of other streets. The ditch and remaining right-of-way shall be sodded or loamed and seeded with conservation mix from the edge of the shoulder to the right-of-way line.
- c. All manufactured slopes, other than those constructed in rock, shall be planted or otherwise protected from the effects of storm erosion and shall be benched or terraced as required to provide adequate stability.
- d. Slopes along the edges of roads shall not be steeper than three feet horizontal to one foot vertical to the ditch, nor more than two feet horizontal to one foot vertical beyond.
- e. Outlets shall be terminated in an end wall of concrete construction, or shall be riprapped to prevent erosion, or other appropriate facility for the dissipation of energy shall be provided.

3. Storm Water Easements

Where necessary to achieve the above standards, easements shall be provided or drainage rights-of-way with swales, culverts, catch basins, or other means of channeling surface water within the subdivision and over other properties. Whenever elements of the storm water system are not within the right-of-way of a public street and the facilities will not be offered to the Town for acceptance as public facilities, perpetual easements not less than thirty (30) feet in width, conforming substantially with the lines of existing natural drainage, shall be provided to the municipality allowing maintenance and improvement of the system. If there are elements of the storm water system serving more than one lot that require future maintenance to remain effective that are located outside of the right-of-way of a proposed public street, the Planning Board may require that the developer offer to give these to the Town with a condition of approval that the Town be permitted to assess the lot owners on a pro rata basis for the costs of the future maintenance of these storm water facilities. A note relative to this condition of approval shall appear on the approved plan and an indication of the condition of approval shall be placed in the deed of each lot subject to the condition. When an offer of dedication is required by the Board, the developer shall be responsible for the maintenance of these storm water facilities until they are accepted by the Town. Subdivisions requiring storm water management facilities shall enter into a Maintenance Agreement with the Town. A sample of this agreement is attached as Appendix L.

Section 16. Spaghetti-lots Prohibited

A. *State Standard*

If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond, or coastal wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than five (5) to one (1).

Section 17. Lake Phosphorus Concentration

A. *State Standard*

The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision.

B. *Performance Standard*

The goal of these standards is to prevent phosphorus over-enrichment of Camden's great ponds, as well as great ponds in neighboring towns that share these watersheds, by ensuring that development does not generate more phosphorus than a specific water body can handle. Any subdivision within the watershed of a great pond shall limit its post-development phosphorus export to specific standards dependent on the water quality of the great pond.

C. *Design Guidelines*

Calculation procedures and design criteria shall be according to *Phosphorus Control in Lake Watersheds: a Technical Guide for Evaluating New Development* published by the Maine Department of Environmental Protection (DEP) as currently revised. The following additional standards shall be met:

1. Natural growth buffers must be left or established down gradient of developed areas and must be protected by deed restrictions. The following buffer widths are required to the maximum extent reasonably feasible given lot layout restrictions:
 - a. If the watershed's area allocation is 0.05 lb/acre or less, 75 ft wooded or 125 ft non-wooded.
 - b. If the watershed's area allocation is greater than 0.05 lb/acre, 50 ft wooded or 100 ft non-wooded.
 - c. Driveways and parking areas must be designed and constructed so that runoff is quickly shed from driveway to buffer areas and distribution of natural drainage patterns is minimized.
 - d. Roof runoff may not be channeled to the lake but must be distributed over stable, well-vegetated areas or infiltrated into the soil.
 - e. Use of fertilizers containing phosphorus is prohibited except when establishing new turf.
 - f. Deed restrictions shall be created, and responsibility for their coverage assigned, for maintaining whatever means the proposed plan has put in place to assure the long-term restriction of phosphorus export.

Section 18. Impacts on Adjoining Municipality

A. State Standard

For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

B. Performance Standards

If the subdivision is located in two (2) or more municipalities, the developer shall demonstrate that the project will meet the performance standards in Section 5, B, 1, (c) relating to traffic conditions for all roads impacted by the subdivision regardless of where the impacted roads are located.

Section 19. Lands Subject to Liquidation Harvesting

A State Standard

Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869 (14). If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine

whether a rule violation has occurred or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76. If a municipal reviewing authority requests technical assistance from the bureau, the bureau shall respond within 5 working days regarding its ability to provide assistance. If the bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. The bureau shall provide a written copy of its finding and determination to the municipal reviewing authority within 30 days of receipt of the municipal reviewing authority's request. If the bureau notifies a municipal reviewing authority that the bureau will not provide assistance, the municipal reviewing authority may require a subdivision applicant to provide a determination certified by a license forester.

For the purposes of this subsection, "liquidation harvesting" has the same meaning as in Title 12, section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.

Section 20. Conformity With Local Ordinances and Plans

A. *State Standard*

The proposed subdivision conforms with a duly adopted subdivision ordinance, zoning ordinance, floodplain ordinance, the comprehensive plan, and other ordinances included in the municipal code as appropriate. In making this determination, the municipal reviewing authority may interpret these ordinances and plans.

B. *Performance Standards*

If there is a conflict between the requirements of this ordinance and any other ordinance or between the requirements of other ordinances, the more stringent requirement shall apply.

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ARTICLE 9 – INSPECTIONS AND ENFORCEMENT

Section 1. Inspections

Before construction of required improvements begins, the developer shall provide the Code Enforcement Officer with adequate written notice and a proposed schedule of construction. The schedule shall provide for inspections by a licensed engineer, under contract with the Town and at the expense of the developer, to ensure that all municipal specifications, requirements, and conditions of approval are met during construction. The developer shall also submit an estimate of the cost of required inspections and shall provide funds equal to 110% of that cost, to be held in escrow by the Town, without payment of interest, for payments to the inspector. See Appendix J for a list of mandatory inspections.

Signed and dated reports shall be submitted to the Code Enforcement Officer for each inspection. If the inspector finds that any of the required improvements have not been constructed in accordance with the plans and specifications approved by the Planning Board, the inspector shall so report in writing to the CEO and the developer. The inspector and CEO shall be notified by the developer when remedial action has been taken by the developer.

Municipal Inspections may be conducted at any time by the Town Manager, Road Commissioner, Planner/CEO or representatives of public utilities. If any of the above officials finds that required improvements have not been constructed in accordance with the plans and specifications approved by the Planning Board, the inspector and developer shall be notified in writing and required to take appropriate action to correct the problem(s). The inspector and Planner/CEO shall be notified by the developer when remedial action has been taken by the developer.

Section 2. Modifications During Construction

If at any time, it is necessary to modify the required improvements before or during the construction of the required improvements, the Planner/CEO is authorized to approve minor field changes due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. (See Article 12, Section 1). Major modifications, such as relocation of rights of way and property boundaries and changes of grade by more than 1% shall require a subdivision amendment (See Article 12, Section 2).

Section 3. Filing and Completion Deadlines

A. Filing Deadline

Upon approval of a Final Plan, and notation to that effect upon the plan, a copy of the signed and dated Final Plan shall be recorded by the developer in the Knox County Registry of Deeds. The developer shall notify the Planner/CEO of the book and page number in which such plan has been filed. Any Final Plan not so filed or recorded within thirty days of the date upon which such plan is approved and signed by the Planning Board shall become null and void, unless the particular circumstances of said

developer warrants the Planning Board granting an extension, which shall not exceed an additional period of sixty days. No building permit shall be issued until proof of recording is submitted to the Planner/CEO.

B. Completion of Improvements

All required improvements shall be completed no later than two years after approval of the Final Plan. The developer may request, in writing, no more than two extensions of this deadline, with each period of extension not to exceed six months. The deadline may also be extended by the Planning Board for up to two years if the subdivision approval is appealed.

C. Phasing of Improvements

1. The Planning Board may approve plans to develop a subdivision in separate and distinct phases, subject to a schedule of development mutually agreed upon by the Board and the developer and to any conditions the Board deems necessary to insure the orderly development of the Final Plan. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision's street system which is covered by a performance guarantee. The boundary lines of each phase shall be clearly shown on the Final Plan, and a separate signature block shall be provided for each phase. When development is phased, road construction shall commence from the public way.
2. In the event of a phased plan of development, each phase receiving final approval shall be duly recorded by the developer and required improvements shall be completed within the deadlines set forth in this Article.

Section 4. Certification for Town Acceptance of Public Subdivision Roads

Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed public way to a town meeting, a written certification signed by a professional engineer shall be submitted to the Select Board at the expense of the developer, certifying that the proposed public way meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted to the Select Board. No subdivision road shall be presented to the voters for acceptance until at least 75% of the subdivision lots have been issued certificates of compliance.

Section 5. Interim Road Maintenance

The developer shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality, or control is placed with a lot owner's association.

ARTICLE 10 - PERFORMANCE GUARANTEES

Section 1. Performance Guarantee Required

The Final Plan shall be accompanied by a performance guarantee, or, at the sole discretion of the Planning Board, a conditional agreement. *(Revised 11-2-2010)*

A. Performance guarantees may be tendered in one of the following forms:

1. Certified check payable to the Town of Camden; or
2. Savings account passbook issued in the name of the Town of Camden; or
3. Irrevocable letter of credit from a financial institution acceptable to the Planning Board; or
4. Faithful performance bond running to the Town of Camden and issued by a surety company licensed to do business in the State of Maine; or
5. Sufficient deed to the Town of Camden for a lot or lots within the subdivision.

B. Except for the form of guarantee described in paragraph A, (5) above, the amount of the guarantee shall be 125 percent of the cost of furnishing, installing, connecting and completing in good working condition all of the street grading, paving, storm drainage, utilities, and other similar improvements, as specified in the Final Plan. The guarantee given in the form of land, as described in paragraph A(5) above, shall carry an appraised market value of 150 percent of the cost of the proposed improvements. All guarantees shall be conditioned upon the completion of all such improvements within two years from the date of the approval of the Final Plan, as recorded on the subdivision plat, with extensions to this deadline only as permitted in Article VIII of this Ordinance. If a performance guarantee as described in paragraph (a) above has been satisfactorily filed with the Town, building permits may be issued for construction within the subdivision prior to completion of required improvements, but prior to occupancy of a building or dwelling unit, the improvements serving that building or dwelling unit shall be in place and serviceable.

Section 2. Release of Guarantee

The Planning Board shall not grant a partial release of guarantee. The entire performance guarantee shall be released by the Planning Board upon the request of the developer only after:

A. The Board receives the certifications of completion required in Article 9.

B. The developer has furnished the Town with an accurate record plan and profile (which may be the original reproducible drawing with corrections, provided the Town has been provided with a print of

the unaltered original as approved by the Planning Board) of all streets, including drainage line and appurtenances, sanitary sewerage lines and appurtenances, water mains and appurtenances, and all other utilities as actually installed, with sufficient ties for proper identification.

C. The developer has presented to the Town Manager a petition for the laying out and acceptance as a town way of the dedicated streets in the subdivision or portion thereof for which release of the performance guarantee is sought.

ARTICLE 11 - WAIVERS

Section 1. Submission Requirements

The Planning Board may waive submission requirements of this Ordinance that are not applicable to a proposed subdivision, provided the waiver is submitted at the preapplication stage of review and approved by a vote of no less than 3 members.

Section 2. Waiver of Design Guidelines

The Board may waive design guidelines of this Ordinance when it finds that the need for the waiver is due to the unique circumstances of the property and that the circumstances are beyond the control of the developer, provided:

- A. any request for waivers shall be provided in writing prior to final approval;
- B. the developer has submitted clear and convincing documentation that the waiver requested is necessary and appropriate for the proposed subdivision;
- C. written statements from the appropriate Town departments address the possible effects of the requested waiver on the public health, safety, and welfare.
- D. the Board notifies abutters and holds a public hearing on the requested waivers.
- E. at least 5 members of the Board are present and 4 members of the Board approve the waiver; and
- F. such waiver will not have the effect of nullifying the intent and purpose of the comprehensive plan, land use ordinances of Camden, or Title 30-A MRSA Section 4404;

Section 3. De Minimus Variations

The Board may permit de minimus variations from the strict application of the design standards of this Ordinance when the Board finds that the need for the variation is due to the unique circumstances of the property and that the circumstances are beyond the control of the developer. All such variations shall be approved by at least 4 members of the Board.

Section 4. Conditions

In granting waivers or modifications, the Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so waived or modified

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ARTICLE 12 - REVISIONS TO APPROVED PLANS

Section 1. Minor Field Change

Any revision to a previously approved plan shall be submitted to the Town Planner/CEO for review. Minor field changes that do not alter lot lines or affect the approval criteria, may be made with the approval of the Planner/CEO, who shall issue any approval under this section in writing and shall transmit a copy of the approval to the Planning Board. Revised plans shall be submitted to the CEO. (See Article 9, Section 2)

Section 2. Amendment

If the Planner/CEO determines that the revision requires approval of the Planning Board, an application for a Subdivision Amendment shall be submitted. The Planner/CEO shall provide notice to the owners of any lots abutting the proposed revision. A proposed amendment is not required to go through the complete review process unless in the judgment of the Planning Board, the amendment alters the character of the originally approved subdivision. In the event that an amended final plan is recorded without complying with this requirement, it shall be considered null and void.

Section 3. Submissions

The developer shall submit one (1) 24" x 36" mylar and nine (9) 24" x 36" copies of the proposed amendment. The application shall also include the appropriate supporting information to allow the Board to make a determination that the proposed revision meets the standards of this Ordinance and the criteria of 30-A M.R.S.A. §4404, as such may be amended from time to time. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the original name of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.

Section 4. Scope of Review

The Board's scope of review shall be limited to those portions of the plan that are proposed to be changed and the impacts and effects of such changes.

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ARTICLE 13 – APPEALS

Section 1. Appeals to Superior Court

An aggrieved party may appeal any decision of the Board under this ordinance to Knox County Superior Court, within thirty (30) days of the date of the vote on the original decision, in accordance with the Maine Rules of Civil Procedure, Rule 80-B.

Section 2. Appeal of Preliminary Plan

In the event that a developer is aggrieved by a decision of the Board to deny preliminary plan approval or to grant preliminary plan approval subject to conditions, the developer may appeal that decision to the Knox County Superior Court within thirty (30) days of the date of the vote on the original decision, in accordance with the Maine Rules of Civil Procedure, Rule 80-B.

Section 3. Appeal of Final Plan Denial

In the event that a developer is aggrieved by a decision of the Board to deny final plan approval or to grant final plan approval subject to conditions, the developer may appeal that decision to the Knox County Superior Court within thirty (30) days of the date of the vote on the original decision, in accordance with the Maine Rules of Civil Procedure, Rule 80-B.

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Appendix A

Preapplication Plan Submission Requirements – Minor or Major

Some of the following submission requirements may not be applicable to minor subdivisions.

1) Application

- a) Nine copies of the application and any supporting documents.
- b) Evidence of right, title or interest in the property.
- c) All existing deed restrictions, easements, right of ways or other encumbrances.

2) Site Inventory Map

Nine copies of an accurate scale map of the parcel at not more than 1-inch equals 50-feet, showing the following:

- a) Proposed name of the development, north arrow, scale and date.
- b) Boundaries of the parcel based upon town tax maps or a standard boundary survey if available and the number of acres.
- c) Tax maps and lot numbers of the parcel(s) to be divided.
- d) Major natural features of the site, including steep slopes, wetlands, vernal pools, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats, or other important natural features.
- e) Vegetative cover conditions according to general cover type.
- f) Ridgelines and watershed boundaries.
- g) Geologic formations including rock outcrops, cliffs, etc., based upon published data or more detailed on-site analysis.
- h) Soils as shown in the “Soil Survey of Knox and Lincoln Counties Maine.
- i) Existing buildings, structures, or other improvements on the site including streets, driveways, stonewalls, etc.
- j) Locations of all known historically or archaeologically significant buildings or sites within or adjacent to the subdivision.
- l) Location and size of existing utilities or other improvements servicing the site.
- m) Potential sources of fire protection water supply within one-half mile of the site including public water mains, existing or proposed fire ponds.
- n) Septic system locations for each lot or unit, if applicable.

3. Site Analysis

Nine (9) copies of a brief narrative describing the existing conditions, the proposed development, the required open space potential and the constraints and opportunities created by the site. The narrative shall include a description of the existing road system that will provide access to the project and any issues related to traffic capacity, safety, sight distances. The narrative shall also describe any preliminary studies concerning traffic, marketing, wetlands, etc

(Appendix A – continued)**4. Conceptual Sketch Plan**

Nine copies of a Conceptual Sketch Plan at the same scale as the Site Inventory Map, highlighting the opportunities and constraints of the site. For greater clarity, the Board may request that the Site Inventory Map and Conceptual Sketch Plan be presented in two (2) separate plans. The plan shall show the proposed layout of lots and roads. This plan shall be prepared with the assistance of professionals who have appropriate expertise to enable the Board to determine:

- 1) Which areas are well suited for proposed uses and which are not suitable;
- 2) Which areas are suitable for on-site sewage disposal if public sewer is not available;
- 3) Which areas have potential open space value (scenic areas, aquifers, streambed corridors, wildlife habitat, natural drainage courses, farmland, significant forest stands, and land abutting existing public open spaces, etc.); and
- 4) Which areas may be subject to off-site conflicts or concerns such as noise, lighting, traffic.

5. Waivers

- a) Written requests for any waivers from Minor Subdivision or Major Subdivision submission requirements. See Appendices B, C, and D.
- b) Written requests for any waivers of design guidelines in Article 8, Approval Standards.

Appendix B

Minor Subdivision Final Plan Submission Requirements

1) Application

- a) Nine copies of the application and any supporting documents.
- b) A copy of the most recently recorded deed for the parcel.
- c) Proposed deed restrictions, easements, right of ways or other encumbrances.
- d) A written statement from the Camden Wastewater Superintendent that the District has the capacity to collect and treat the wastewater, or:
- e) Subsurface wastewater test pit analyses, prepared by a Licensed Site Evaluator.
- f) A written statement from the water company that there is adequate supply and pressure for the subdivision and a statement approving the design of any extension of the water main.
- g) A written statement from the Fire Chief that water supply needs for fire protection have been adequately met and approving the location of any fire hydrants.
- h) When the water supply is private wells, evidence of adequate ground water supply and quality by a well driller or a hydro geologist familiar with the area.
- i) Agreements or other documents showing the manner in which open spaces are to be retained by the developer or lot owners.
- j) If open space or other land is to be offered to the municipality, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer to convey title.
- k) If the subdivision is a condominium or a clustered development, evidence that all requirements relative to establishment of a homeowners' association or condominium owners' association have been met, including bylaws and that all other requirements of the Camden Zoning Ordinance pertaining to clustered development have been met. Homeowners' association or condominium documents shall clearly state that the association or condominium shall properly maintain private roadways serving the subdivision after the developer has legally relinquished that responsibility and until such time as the Town may accept them as public roads.
- l) Cost of the proposed subdivision and evidence of financial capacity to complete the project.
- m) A performance guarantee meeting the requirements of Article 10.

2) State and Federal Permits

Copies of the following applications when applicable:

- a) Maine DEP permit(s)
- b) Maine DHS permit(s) if public water system
- c) Maine DHS permit(s) if engineered subsurface wastewater disposal system.
- d) Army Corps of Engineers if Section 404 permit required

(Appendix B – continued)

- e) Maine DOT Traffic Movement Permit and/or High- way Entrance/Driveway Access Permit The Board may require a letter from the various agencies verifying if their regulations do or do not apply.
- f) Confirmation that the Maine Historic Preservation Office received a copy of the proposed plan and mitigation measures if required.

3) Location Map

The location map shall be drawn at a scale of not more than 1-inch equals 400-feet to show the proposed subdivision in relation to the surrounding area. The map shall show all areas within 1,000 feet of any property line of the proposed subdivision, including:

- a) Existing subdivisions in the proximity of the proposed subdivision.
- b) Locations and names of existing streets.
- c) Zoning boundaries and designations.
- d) Outline of the proposed subdivision and owner's remaining contiguous land.

4) Final Plan

Nine copies of an accurate scale map of the parcel at not more than 1-inch equals 50-feet, containing all the information from the site inventory map. The following requirements may be shown on multiple sheets when necessary.

- a) A standard boundary survey with bearings and distances, showing the entire parcel and all contiguous land in common ownership within the last five years per MRSA Title 30-A, Section 4401.
- b) Name, registration number and seal of the land surveyor, architect, engineer or similar professional who worked on the plan.
- c) Names of record owners for all abutting properties.
- d) Contour lines at the interval specified by the Board, showing elevations in relation to mean sea level.
- e) A storm water plan showing ditches, culverts, catch basins, detention or retention areas, etc.
- f) Location of all proposed utilities, including electrical, cable, water and sewer.
- g) Boundaries and designations of zoning districts.
- h) Existing streets abutting the subdivision.
- i) Boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map.
- j) Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the Comprehensive Plan. If any portion of the subdivision is located within an area designated as a critical natural area by the Comprehensive Plan or the Maine Natural Areas Program, the plan shall indicate appropriate measures for the preservation of the values that qualify the site for such designation.

(Appendix B – continued)

- k) When sewage disposal is to be accomplished by subsurface wastewater disposal systems, the location of all test pits on the site.
- l) Size, type, vertical clearance and locations of all existing and proposed overhead and underground utilities, including but not be limited to water, sewer, electricity, telephone, lighting, and cable television.
- m) Location of any open space to be preserved and a description of proposed improvements and its management.
- n) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- o) Provisions for controlling erosion and sedimentation, including measures to capture sediment during construction and measures to stabilize the soil.
- p) Location and method of disposal for land clearing and construction debris.
- q) Lots and blocks within the subdivision numbered in accordance with local practice.
- r) Street names and address numbers.
- s) Permanent monuments at all outside corners of the subdivision tract and survey pins at all lot corners.

5) Recording Plan

See Appendix K.

Appendix C

Major Subdivision Preliminary Plan Submission Requirements

1) Application

- a) Nine copies of the application and supporting documents.
- b) A copy of the most recently recorded deed for the parcel.
- c) All existing deed restrictions, easements, rights of ways, or other encumbrances.
- d) Proposed deed restrictions, easements, right of ways or other encumbrances.
- e) A written statement from the Camden Wastewater Superintendent that the District has the capacity to collect and treat the wastewater, or:
- f) Subsurface wastewater test pit analyses, prepared by a Licensed Site Evaluator.
- g) A written statement from the water company that there is adequate supply and pressure for the subdivision and a statement approving the design of any extension of the water main.
- h) A written statement from the Fire Chief that water supply needs for fire protection have been adequately met and approving the location of any fire hydrants.
- i) When the water supply is private wells, evidence of adequate ground water supply and quality by a well driller or a hydro geologist familiar with the area.
- j) A written statement from the director of the Midcoast Solid Waste Facility that the proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste.
- k) Agreements or other documents showing the manner in which open spaces are to be retained by the developer or lot owners are to be maintained.
- l) If open space or other land is to be offered to the municipality, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer to convey title shall be included.
- m) Vehicular trip generation rate.
- n) Traffic impact analysis by a registered P.E. for 28 or more parking spaces or subdivisions projected to generate more than 140 vehicle trips per day, including expected ADT, peak-hour volumes, access conditions, distribution of traffic, types of vehicles expected, effect on LOS and recommended improvements.
- o) Left lane study analysis for multi-family or non-residential subdivisions, if required.
- p) If the subdivision is a condominium or a clustered development, evidence that all requirements relative to establishment of a homeowners' association or condominium owners' association have been met, including bylaws and that all other requirements of the Camden Zoning Ordinance pertaining to clustered development have been met. Homeowners' association or condominium documents shall clearly state that the association or condominium shall properly maintain private roadways serving the subdivision after the developer has legally relinquished that responsibility and until such time as the Town may accept them as public roads

(Appendix C - continued)**2) Location Map**

The location map shall be drawn at a scale of not more than 1-inch equals 400-feet to show the proposed subdivision in relation to the general surrounding area. The map shall show all areas within 1,000 feet of any property line of the proposed subdivision, including:

- a) Existing subdivisions in the proximity of the proposed subdivision.
- b) Locations and names of existing streets.
- c) Zoning boundaries and designations.
- d) Outline of the proposed subdivision and owner's remaining contiguous land.

3) Preliminary Plan

Nine copies of an accurate scale map of the parcel at not more than 1-inch equals 50-feet, containing all the information from the site inventory map. The following requirements may be shown on multiple sheets when necessary.

- a) A standard boundary survey with bearings and distances showing the entire parcel and all contiguous land in common ownership within the last five years per MRSA Title 30-A section 4401.
- b) Names of record owners for all abutting properties.
- c) Contour lines at the interval specified by the Board, showing elevations in relation to mean sea level.
- d) A storm water plan showing ditches, culverts, detention or retention areas.
- e) Location of all proposed utilities, including electrical, cable, water and sewer.
- f) Boundaries and designations of zoning districts.
- g) Existing streets abutting the subdivision.
- h) Boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map.
- i) Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the Comprehensive Plan. If any portion of the subdivision is located within an area designated as a critical natural area by the Comprehensive Plan or the Maine Natural Areas Program, the plan shall indicate appropriate measures for the preservation of the values that qualify the site for such designation.
- j) When sewage disposal is to be accomplished by subsurface wastewater disposal systems, the location of all test pits on the site.
- k) Location of any open space to be preserved and a description of proposed improvements and its management.
- l) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- m) Provisions for controlling erosion and sedimentation, including measures to capture sediment during construction and measures to stabilize the soil.

(Appendix C – continued)

- n) Location and method of disposal for land clearing and construction debris.
- o) Location, name and widths of existing streets.

4) Street Design Plans

Detailed construction drawings showing a plan view, profile, and typical cross-section of proposed street. The plan view shall be at a scale of no more than 1-inch equals 50-feet. The vertical scale of the profile shall be 1-inch equals no more than 5-feet. The plans shall include the following information:

- a) Width and location of all streets proposed by the developer, including edge of right of way, edge of pavement or aggregate base, edge of shoulder, clear zone, sidewalks, and curbs.
- b) Typical street cross-sections specifying materials, thickness and crowning.
- c) Location, size, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
- d) Complete curve data shall be indicated for all horizontal and vertical curves.
- e) Turning radii at all intersections.
- f) Centerline gradients.
- g) Traffic control devices, such as stop signs and cross walks.
- i) Size, type, vertical clearance and locations of all existing and proposed overhead and underground utilities, including but not be limited to water, sewer, electricity, telephone, lighting, and cable television.
- j) Proposed locations of driveways.

5) Additional Information

The Planning Board may require additional information when it is determined necessary to meet the criteria of the State Subdivision Statute Title 30-A, M.R.S.A., section 4401, including:

- a. High Intensity Soil Survey by a Registered Soil Scientist.
- b. Hydro geologic assessment for a subdivision not served by sewer and if any part of the subdivision is over a sand and gravel aquifer.
- d. Hydro geologic assessment if the average density is more than one dwelling unit per 100,000 sq. ft.
- e. Hydro geologic assessment if the Board determines potential adverse impacts on ground water quality.

Appendix D

Major Subdivision Final Plan Submission Requirements

1. Application

- a) Nine copies of the application and any supporting documents.
- b) Cost of the proposed subdivision and evidence of financial capacity to complete the project.
- c) A performance guarantee meeting the requirements of Article 10.

2. State and Federal Permits

Prior to submittal of the Final Plan application, the following approvals shall be obtained where applicable:

- a) Maine DEP permit(s)
- b) Maine DHS permit(s) if public water system
- c) Maine DHS permit(s) if engineered subsurface wastewater disposal system.
- d) Army Corps of Engineers if Section 404 permit required
- e) Maine DOT Traffic Movement Permit and/or High- way Entrance/Driveway Access Permit The Board may require a letter from the various agencies verifying if their regulations do or do not apply.
- f) If required, confirmation that the Maine Historic Preservation Office received a copy of the proposed plan and mitigation measures.

3. Final Plan

Nine copies of an accurate scale map of the parcel at not more than 1-inch equals 50-feet, containing all the information from the Preliminary Plan. The following requirements may be shown on multiple sheets when necessary:

- a) The name, registration number and seal of the land surveyor, architect, engineer or similar professional who worked on the plan.
- b) Lots and blocks within the subdivision numbered in accordance with local practice.
- c) Street names and address numbers.
- d) Permanent monuments at all outside corners of the subdivision tract and survey pins at all lot corners.

4. Additional Information

The Planning Board may require additional information when it is determined necessary to meet the criteria of the State Subdivision Statute Title 30-A, M.R.S.A., section 4401, including:

- a) Erosion and sedimentation control plan.
- b) Storm water management plan.
- c) Phosphorous impact analysis and control plan.

5. Recording Plan

See Appendix

Appendix E

Public and Private Road Dimensional Requirements Residential Districts

Access Category	Private Roads Only				Public Roads			
	Low Volume		Medium Volume		High Volume			
Traffic Volume	1 - 50 ADT		51 - 100 ADT		101 - 400 ADT		401+ ADT	
Zoning District	R/CR	V/VE	R/CR	V/VE	R/CR	V/VE	R/CR	V/VE
Minimum Right of Way	40'	40'	40'	40'	50'	50'	50'	50'
Minimum Traveled Way Width	16'	16'	18'	18'	18'	20'	20'	20'
Minimum Shoulder Width (each side)*	1'	1'	1'	1'	2'	1'	2'	2'
Clear Zone Width	7'	7'	7'	7'	7'	7'	8'	8'
Minimum Grade	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%
Maximum Grade **	10%	10%	10%	10%	10%	10%	8%	8%
Minimum Centerline Radius	100'	100'	100	100	100	100	140	140
Roadway Crown Asphalt Surface	.25"/ft	.25"/ft.	.25"/ft.	.25"/ft.	.25"/ft.	.25"/ft.	.25"/ft.	.25"/ft.
Roadway Crown Aggregate Surface	.5"/ft	NA	.5"/ft	NA	.5"/ft	NA	.5"/ft	NA
Minimum Internal Sight Distance	155'	155'	155'	155'	155'	155'	155'	155'
Minimum Internal Spacing Standards***	25'	25'	25'	25'	25'	25'	25'	25'
Min. Internal Access to St. Corner Clearance****	30'	30'	30'	30'	30'	30'	30'	30'
Minimum Access Width	14'	14'	22'	22'	22'	22'	22'	22'
Minimum Curb Radius	10'	10'	15'	15'	15'	15'	15'	15'
Minimum Corner Clearance - Unsignalized	75'	75'	100'	100'	100'	100'	100'	100'
Minimum Corner Clearance - Signalized	125'	125'	125'	125'	125'	125'	125'	125'
Minimum Site Distance	10' for each mile per hour							

*The Board may require an increase in shoulder width for storm water management purposes.

**May be exceeded for a length of 100'.

***Measured from the edge of one internal subdivision access to another.

****Measured from the edge of an internal subdivision access to an intersecting public road, excluding curb radii.

ADT = Average Daily Traffic. A single family residence = 10 ADT

Appendix F

Public and Private Road Dimensional Requirements Commercial Districts

	Private Roads		Public Roads	
Access Category	Low Volume	Medium Volume	High Vol.	
Traffic Volume	1-50 ADT	51-100 ADT	101-400 ADT	401+ ADT
Minimum Right of Way	40'	40'	50'	50'
Minimum Traveled Way Width	16'	18'	20'	20'
Minimum Shoulder Width (each side)*	1'	1'	1'	2'
Clear Zone Width	7'	7'	7'	8'
Minimum Grade	0.50%	0.50%	0.50%	0.50%
Maximum Grade**	10%	10%	10%	10%
Minimum Centerline Radius	100'	100'	100'	140'
Roadway Crown Asphalt Surface	.25'	.25'	.25'	.25'
Roadway Crown Aggregate Surface	NA	NA	NA	NA
Minimum Internal Sight Distance	155'	155'	155'	155'
Minimum Internal Spacing Standards***	25'	25'	25'	25'
Min. Internal Access to St. Corner Clearance****	30'	30'	30'	30'
Minimum Access Width	14'	22'	22'	22'
Minimum Curb Radius	10'	15'	15'	15'
Minimum Corner Clearance - Unsignalized	75'	100'	100'	100'
Minimum Corner Clearance - Signalized	125'	125'	125'	125'
Minimum Site Distance	10' for each mile per hour			

*The Board may require an increase in shoulder width for storm water management purposes.

**Maximum grade may be exceeded for a length of 100 feet.

***Internal spacing distances are measured from the edge of one internal subdivision access to another.

****Measured from the edge of an internal subdivision access to an intersecting public road, excluding curb radii.

ADT = Average Daily Traffic. A single family dwelling = 10 ADT

Appendix G
Minimum Access Spacing

MPH of External Road	Low Volume	Medium Volume
35 or less	none	none
40	175	175
45	265	265
50	350	350
55	525	525

Appendix H

Road Construction Specifications

Minimum Pavement Materials Thickness

Street Materials	Thickness Standard
Aggregate Sub base Course (max. size stone – 6’')	
Without base gravel	18’’
With base gravel	15’’
Crushed Aggregate Base Course (if necessary)	3’’
Hot Bituminous Pavement (compacted)	
Total Thickness	4’’
Surface Course	1 ½’’
Base Course	2 ½’’
Surface Gravel (if permitted)	3’’

Aggregate Sub base Grading Requirements

Sieve Designation	Percentage By Weight
Passing Square Mesh	
¼ inch	25-70%
No. 40	0-3-%
No. 200	0-7%

Base Course Grading Requirements

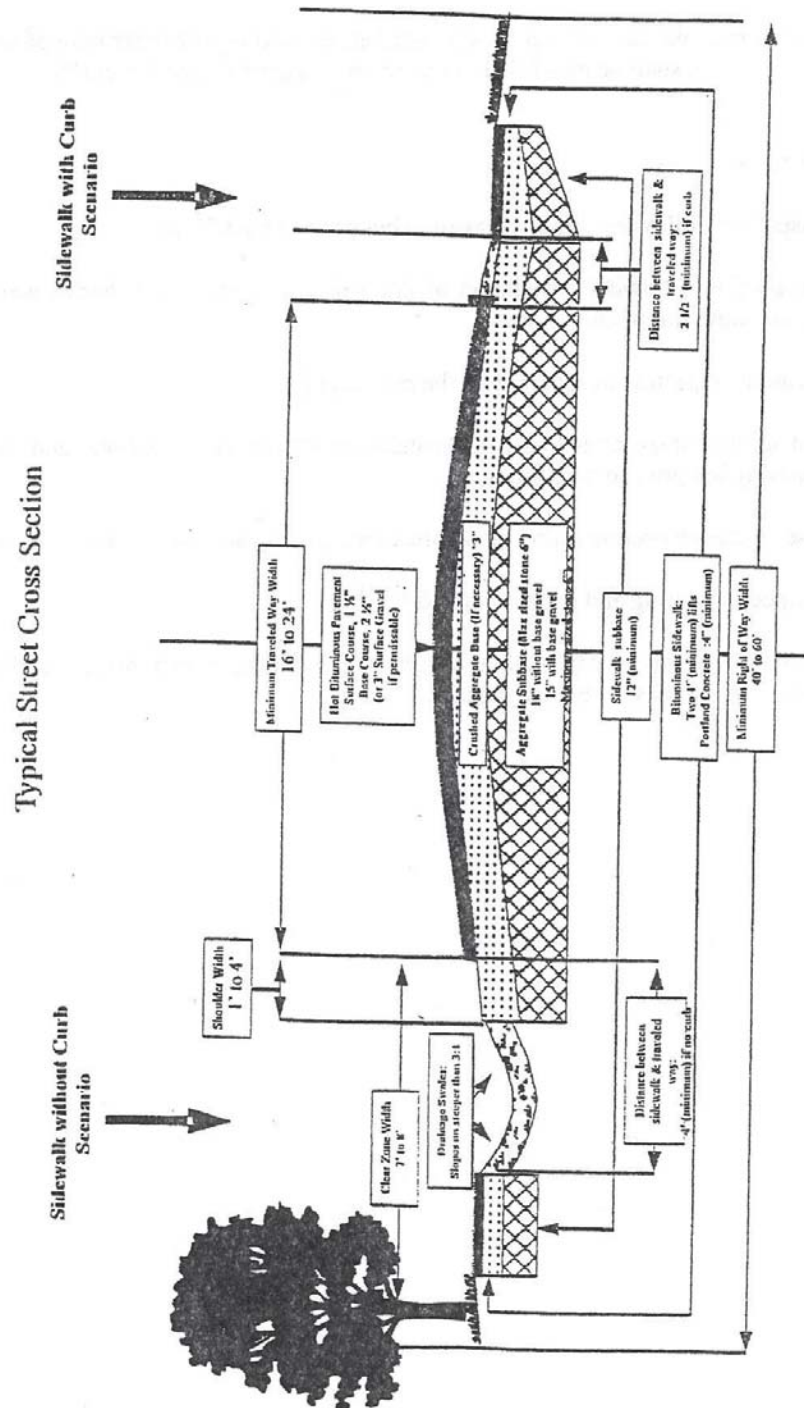
Sieve Designation	Percentage ByWeight
Passing Square Mesh	
½ inch	45-70%
¼ inch	30-55%
No. 40	0-20%
No. 200	0-5%

Surface Gravel Grading Requirements

Sieve Designation	Percentage By Weight
2 inch	95-100%
½ inch	30-65%
No. 200	7-12%

Appendix I

Typical Street Cross Section



Appendix J

Schedule of Street Construction Inspections

No water main, storm drain, catch basin, utility installation, road or any other item of work designated for inspection, shall be backfilled or paved until inspected (see Article 9).

Required Inspections:

1. Road bed inspection following initial excavation but prior to backfilling.
2. Drainage inspection following installation of drain pipe, culverts, catch basins and all related construction but prior to backfilling.
3. Water installation inspection as required by the public utility.
4. Underground utilities inspection following installation of electric, telephone and cable television in roadway but prior to backfilling.
5. Finished base course inspection following application, grading and compaction of gravel.
6. Pavement inspection during and upon completion.
7. Final inspection following completion of roads, permanent bench marks, curbing, berming, walkways, grading, seeding and cleanup.

Appendix K

Recording Plan Requirements

The Recording Plan shall show only the information relevant to the transfer of an interest in the property including:

1. The proposed name of the subdivision or identifying title, the name of the municipality, and the assessor's map and lot number.
2. The names and addresses of the record owner, developer, and individual or company who prepared the plan, and adjoining property owners.
3. The date the plan was prepared, north point, and graphic map scale.
4. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
5. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The plan shall indicate the type of monument found or to be set at each lot corner.
6. The layout of lots, existing and proposed easements, streets including the location, names, and present widths of existing streets, and required open spaces. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established.
7. The location of wetlands and vernal pools.
8. The location of all soil test pits including an indication of which pits are suitable for the installation of a subsurface wastewater disposal system.
9. The recording plan shall include space for the approval of the Planning Board including a signature block, a record of any waivers granted from the submission requirements or approval standards, any conditions of approval imposed by the Planning Board, the net residential acreage calculation, and any other pertinent notes or information. The recording plan shall not include information on topography, grading, site improvements, water and sewer facilities, drainage improvements, and the like. This information should be contained in the Subdivision Plan and related documentation.
10. The following note shall appear on the recording plat of every plan:

"The property shown on this plan may be developed and used only as depicted on this approved plan and as depicted on all final plans and specifications submitted by the applicant in support of the application. No changes whatsoever are permitted unless approved as a minor field change by the Town Planner/CEO or as an amendment by the Planning Board."

Appendix L

Storm Water Management System Maintenance Agreement

This agreement is made this _____ day of _____ 20__ by and between _____ and the Town of Camden, Maine.

The project name is _____.

The location is _____, Camden, Maine.

Tax Maps _____, Lots _____.

The project is shown on a plan entitled “_____,” dated _____, most recently revised _____, approved by the Camden Planning Board on _____, and recorded in the Knox County Registry of Deeds in Plan Book _____, Page _____.

WHEREAS, the approval of the project includes a storm water maintenance system which requires periodic maintenance; and

WHEREAS, in consideration of the approval of the project the Town of Camden requires that periodic maintenance be performed on the storm water management system;

NOW, THEREFORE, in consideration of the mutual benefits accruing from the approval of the project by the Town and the agreement of _____ to maintain the storm water management system, the parties hereby agree as follows:

1. _____, for itself, and its successors and assigns, agrees to the following:
 - a) To inspect, maintain, and clean the storm water management system, including, to the extent they exist, parking areas, catch basins, drainage swales, pipes and related structures, at least annually, to prevent the build up and storage of sediment in the system;
 - b) To repair any deficiencies noted during the annual inspection;
 - c) To provide a summary report on the inspection, maintenance, and repair activities performed annually;
 - d) To allow access by Town personnel for inspecting the storm water management system for conformance with these requirements.
 - e) To create a homeowner’s association for the purpose of maintaining the storm- water management system.
2. Upon creation of the homeowner’s association, the association shall become responsible for compliance with the terms of this maintenance agreement.

3. This agreement shall constitute a covenant running with the land, and _____ shall reference this agreement in all deeds to lots and/or units within the development.

WITNESS:

_____ By: _____
Its _____

TOWN OF CAMDEN, MAINE

WITNESS:

_____ By: _____
Its _____

STATE OF MAINE

KNOX COUNTY, ss:

_____ , 20__
Personally appeared the above-named _____, the
_____ of _____, and acknowledged the
foregoing Declaration to be his/her free act and deed in his/her said capacity.

Before me,

Notary Public / Attorney at Law

Print Name

STATE OF MAINE

KNOX COUNTY, ss:

_____ , 20__
Personally appeared the above-named _____, the
_____ of _____, and acknowledged the
foregoing Declaration to be his/her free act and deed in his/her said capacity.

Before me,

Notary Public / Attorney at Law

Print Name

Appendix M

General Procedure for Planning Board Applications

1. Agendas:

Applications received by 4:00 PM, on the date specified under Site Plan Review or Subdivision Review, will be placed on the Planning Board agenda in the order that they are received. All public hearings are scheduled at the beginning of the agenda.

The Planning Board has established a policy that after 8:30 PM, the Board will not begin a new agenda item. The Board will not deliberate on any application past 9:00 PM. Remaining agenda items will be moved to the next agenda. The Planning Board may consider holding a special meeting to complete the agenda.

2. Number of Copies:

At least nine copies of all submissions shall be submitted under Site Plan Review and Subdivision Review.

3. New Submissions:

Revised plans and other supporting documents that are submitted between Board meetings, shall be mailed to Planning Board members, at the applicant's expense, so that they are received at least seven days prior to the meeting. At least two additional copies shall be mailed or delivered to the town office so that it is received at least seven days prior to the meeting. Applicants who fail to meet these deadlines will not be heard. No new submissions by the applicant will be accepted at the Planning Board meeting except for minor submissions, such as brief letters, if approved by the Planning Board at the prior meeting. Letters from the public will be accepted if submitted by noon, on the Monday that precedes the meeting.

4. Labeling and Dating of Submissions:

All submission lists shall clearly indicate those items being submitted at the time. All revised plans and other supporting documents shall have original and revision dates. Revised plans and documents shall include a list of specific changes.

**CHAPTER VIII TOWN OF CAMDEN
POLICE ORDINANCE
PART I-D VICTUALERS LICENSE ORDINANCE**

Section 1 - Preamble

The Town of Camden hereby adopts the following Victualers License Ordinance in order to regulate the sale of food or drink prepared for consumption on the premises by the public. The purpose of this Ordinance is also to protect the welfare, safety and health of the citizens of the Town of Camden and other members of the public who purchase food or drink in the Town.

Section 2 - Authority

This Ordinance is enacted pursuant to, and in accordance with, the provisions of Title 30-A M.R.S.A., Section 3812, Section 3813 and the Home Rule Authority granted to the Town in accordance with the provisions of Title 30-A M.R.S.A., Section 3001. This Ordinance is intended to implement the provisions of Title 30-A, Section 3801 through Section 3823 concerning regulations regarding Victualers Licenses in the Town of Camden.

Section 3 - Definitions.

3.1 Licensing Board- The municipal officers of the Town.

3.2 License- A License issued pursuant to this Ordinance.

3.3 Licensee- Any person who maintains an unexpired License pursuant to this Ordinance.

3.4 Innkeeper- Any person who keeps an inn, hotel or motel, or other lodging establishment to provide lodging to travelers and others for compensation.

3.5 Person- Any individual, person, firm, corporation, association, partnership or organization.

3.6 Victualer- Any person who serves food or drink prepared for consumption on the premises by the public.

Any term or word in this Ordinance which is not defined in this section shall have a meaning consistent with the provisions of Title 30-A M.R.S.A., Section 3801 through Section 3823.

Section 4 - License Required

No person may operate as an innkeeper, victualer, or tavern keeper without a License issued hereunder.

Section 5.0- Applications

Every person required to procure a License under the provisions of this Ordinance shall submit an application for such License to the Municipal Officers or their designated agent.

5.1 Form

Each application shall be in a form prescribed by the Licensing Board.

5.2 Contents

The application for a Victualers License shall set forth the following information:

- (a) the name, address and telephone number of the applicant;
- (b) the type of food or drink prepared for consumption on the premises by the public, the location of the premises and a brief description of the food and drink services offered by the applicant at that premises;
- (c) any additional information, including information concerning the approval criteria set forth below, the Licensing Board shall find reasonably necessary to a determination whether a License should issue.

5.3 Approval Process

The Licensing Board shall, within 20 days of receiving a License application, notify the applicant whether the application is complete. If the application is determined to be incomplete, the Licensing Board shall notify the applicant in writing of the specific information necessary to complete it. It shall be the responsibility of the applicant to provide any additional information or documents requested by the Licensing Board. Within 20 days after the application is determined to be complete, the Licensing Board shall decide whether or not to issue a License.

5.4 Criteria for Issuance of a License

The Licensing Board shall, within 40 days of receiving a license application which is considered complete, issue a License to any applicant who demonstrates good moral character and who meets the following requirements:

- (1) The applicant has not been convicted of a crime in the State of Maine or in any other jurisdiction which is punishable by one year or more imprisonment or for any other crime committed with the use of a dangerous weapon or of an offense involving the use of a firearm against another person within five (5) years of the date of application.
- (2) There is no formal charging instrument now pending against the applicant in the State of Maine or any other jurisdiction for a crime which is punishable by one year or more of imprisonment or for any other crime allegedly committed by the applicant with the use of a dangerous weapon or of an offense involving use of a firearm against another person.
- (3) The applicant has not been adjudicated to be an incapacitated person pursuant to State Law or, if such adjudication has occurred, that designation has been removed by order under Title 18-M.R.S.A., Section 5-307 (b).
- (4) The applicant has not been dishonorably discharged from the military forces within the past five (5) years.
- (5) The applicant is not an illegal alien.
- (6) The applicant has not had three or more convictions for crimes punishable by less than one year imprisonment within five (5) years of the date of the application.

(7) The applicant has not been adjudicated as having committed a juvenile offense pursuant to the laws of the State of Maine or any jurisdiction within five (5) years of the date of application.

(8) The applicant shall submit a copy of a current license issued by the Department of Human Services of the State of Maine for the provision of food or drink prepared for consumption on the premises by the public. In the event that the applicant has not received such a License, the Licensing Board is authorized to issue a Conditional License contingent upon submission of satisfactory proof of a current License from the Department of Human Services within 90 days of the date of issuance of the Conditional License.

(9) All applicants shall submit satisfactory proof that the applicant's premises is connected to the public sewer or that the premises utilizes an approved septic disposal system in conformity with applicable State and local laws, ordinances and regulations.

(10) The applicant shall demonstrate to the Licensing Board that the applicant has adequate provision for storage and disposal of waste and garbage generated on the applicant's premises. Containers for the storage of garbage shall be covered. Such containers shall be located in a separate room or, if stored outside the applicant's premises, those containers shall be stored on a concrete or macadam base, or on a surface which is readily washable. Any containers located outside the applicant's premises shall have an enclosure around the containers which is no less than three (3) feet in height in order to prevent entrance by dogs and other animals.

(11) All applicants operating establishments which cook food on the premises shall have a vent from the cooking area to the outside of the applicant's premises. The location of that vent shall not cause an unreasonable nuisance to any abutting property owner or to the public in consequence of fumes, grease, odor, smoke or noise.

(12) With the license application, the applicant shall sign an authorization permitting the Fire Chief or designated agent to inspect the establishment that is the subject of the application. Prior to issuance of said license, the applicant shall meet the criteria of the Life Safety Code as referenced in the Camden Fire Protection and Prevention Ordinance.

5.5 License Renewal Period

The criteria for a License renewal shall be the same criteria set forth in Section 5.4 for the issuance of the initial license.

5.6 Conditional License

In the event that an applicant is unable to meet the criteria of Section 5.4 (8) through (12) prior to the date of consideration of the License by the Licensing Board, the Licensing Board shall have authority to issue a Conditional License contingent upon submission of satisfactory proof of compliance with those criteria within (90) days of issuance of the Conditional License.

Section 6 - Licensee's Duty to Update

It shall be the responsibility of every licensee who experiences changed circumstances material to the License to notify the Licensing Board of those changed circumstances within ten (10) days of any such change. It shall be the responsibility of every Licensee to conform to the approval criteria set forth in Section 5.4 during the term of the License.

Section 7 - Fees

The annual fee for a new License or renewal of a License shall be \$20.00. The fee shall be paid to the Town of Camden at the time the application is submitted, and that fee is non-refundable.

Section 8 - Posting of License

Any License issued hereunder shall be posted in a conspicuous area on the licensed premises.

Section 9 - License Expiration

All Licenses issued under this Ordinance shall expire one year after the date of issuance, unless revoked or suspended prior to expiration in accordance with the provisions of Section 13.0 of this Ordinance.

Section 10 - Exemption

Notwithstanding the provisions of Section 4.0 of this Ordinance, any non-profit organization, for charitable causes, shall be exempt from the requirements of this Ordinance, except as otherwise stated in this Subsection, to the extent that such organization offers food or drink for consumption by the public, for charitable causes, on no more than twelve (12) occasions during each license year. For non-profit organizations within the meaning of this exemption, the License fee shall be \$1.00 for the license year, and the Licensing Board shall issue a License upon submission of certification from the non-profit applicant that the applicant meets the criteria of Section 5.4 (1) through (7) of this Ordinance.

Section 11 - Inspection

The Code Enforcement Officer shall be granted access to any Licensed Premises, upon twenty-four (24) hours prior written notice delivered to the Licensee, or to any person operating a premises subject to this Ordinance, for purposes of inspecting the premises to ensure compliance with this Ordinance.

Section 12 - Non-Transferable License

Any License issued hereunder shall not be transferable. Any person subject to this Ordinance must obtain the License required by the Department of Human Services of the State of Maine, which is also not transferable.

Section 13 - Revocation or Suspension of License, Hearing

13.1 Applicability. This Section applies to all Licenses issued pursuant to this Ordinance.

13.2 Revocation or Suspension of License. The Licensing Board shall enforce this Ordinance and shall prosecute all offenders. The Licensing Board may revoke or suspend a License for any period of time that it considers proper and for any cause it considers satisfactory including, but not limited to:

- (a) violation of this Ordinance, or non-compliance with the requirements of Section 5.4;

(b) violation of any License conditions; or

(c) falsehoods, misrepresentations, or omissions in the License application.

13.3 Hearing. A License may not be revoked or suspended under this Ordinance until after an investigation and hearing have been conducted. The Licensing Board shall serve notice of the hearing on the Licensee personally or by certified mail at least three (3) days before the time set for hearing, and shall conduct the hearing. At any hearing held pursuant to this Section, the Licensee must be given an opportunity to:

(a) hear the evidence in support of the charge against the Licensee and to cross-examine alone or through counsel, the witnesses; and

(b) be heard in the Licensee's own defense.

Section 14 - Appeal

An aggrieved party may appeal any decision of the Licensing Board to issue a License, deny a License, or revoke or suspend a License to the Superior Court within 30 days of the date of the written decision. In all instances, the Licensing Board shall issue a written decision, and such decision shall be sent to the applicant or Licensee.

Section 15 - License Conditions; Scope of License

The Licensing Board shall have the authority to issue a License subject to reasonable conditions. Any License issued by the Licensing Board must specify the building or buildings in which the business of the licensed premises will be conducted.

Section 16 - License Applications, Renewal Licenses, and Meetings of the Licensing Board

Every person subject to the licensing requirements of this Ordinance shall apply annually prior to April 15, for a license or license renewal from the municipal officers as the Licensing Board. The Licensing Board shall meet annually during the month of May on a date, time and place as determined by the Licensing Board. At least seven days before the meeting, the Licensing Board must post notices of the meeting, stating the purpose of the meeting in at least two places in the Town of Camden. For applications for new Licenses or renewals submitted more than thirty (30) days before or thirty (30) days after April 15 of each year, the Licensing Board may consider those licenses at a time different than the annual meeting of the Licensing Board during the month of May. The Licensing Board may meet at any other time at a meeting specially called and with public notice, as provided above.

Section 17 - Penalties

Any person who violates the provisions of this Ordinance or fails to seek a License renewal which is required by this Ordinance shall commit a civil violation from which a penalty of \$50.00 may be adjudged, upon a complaint by the municipality to the District Court or the Superior Court. Each day of continued violation shall constitute a separate offense which subjects the violator to a penalty of \$50.00 for each day of violation.

Section 18 - Severability

The provisions of this Ordinance shall be severable. If any portion of this Ordinance is held to be invalid, the remainder of this Ordinance and its application thereof shall not be affected.

Section 19 - Other Laws and Ordinances

In addition to compliance with this Ordinance, the applicant or any person subject to this Ordinance must also comply with all other federal, state and local laws and ordinances concerning the Licensed Premises, specifically including the Zoning Ordinance of the Town of Camden. The issuance of a License pursuant to this Ordinance does not constitute any approval within the meaning of the Zoning Ordinance of the Town of Camden. In addition to penalties set forth in Section 17.0, a person who violates this Ordinance shall be subject to the remedies set forth in Title 30-A M.R.S.A., Section 4452 (C), (C-1) and (D).

ZONING ORDINANCE OF THE TOWN OF CAMDEN, MAINE

CERTIFIED:

I hereby certify that this Zoning Ordinance is effective on November 4, 1992. This Zoning Ordinance was enacted at the November 3, 1992 Special Town Meeting and amended at the June 8, 1993 Town Meeting, November 2, 1993 Special Town Meeting, June 14, 1994 Town Meeting, June 13, 1995 Town Meeting, November 7, 1995 Special Town Meeting, June 11, 1996 Town Meeting, June 10, 1997 Town Meeting, November 4, 1997 Special Town Meeting, June 9, 1998 Town Meeting, June 8, 1999 Town Meeting, June 13, 2000 Town Meeting, November 7, 2000 Special Town Meeting, November 6, 2001 Special Town Meeting, June 11, 2002 Town Meeting, June 10, 2003 Town Meeting, November 4, 2003 Special Town Meeting, June 8, 2004 Town Meeting, November 2, 2004 Special Town Meeting, November 8, 2005 Special Town Meeting, June 13, 2006 Town Meeting, November 7, 2006 Special Town Meeting, June 13, 2007 Town Meeting, November 6, 2007 Special Town Meeting, June 10, 2008 Town Meeting and November 4, 2008 Special Town Meeting, June 10, 2009 Town Meeting, November 3, 2009 Special Town Meeting, June 8, 2010 Town Meeting, November 2, 2010 Special Town Meeting, June 12, 2012 Town Meeting, November 6, 2012 Special Town Meeting, November 5, 2013 Special Town Meeting, June 9, 2015 Town Meeting, November 3, 2015 Special Town Meeting, June 14, 2016 Town Meeting; and June 14, 2017 Town Meeting

The amendments are effective as of June 15, 1993, November 9, 1993, June 21, 1994, June 20, 1995, November 14, 1995, June 18, 1996, June 17, 1997, and November 11, 1997, June 16, 1998, June 20, 2000, November 14, 2000, November 13, 2001, June 18, 2002, June 17, 2003, November 11, 2003, June 15, 2004, November 9, 2004, November 15, 2005, June 20, 2006, November 14, 2006, June 20, 2007, November 13, 2007, June 17, 2008, November 11, 2008, June 17, 2009, November 10, 2009, June 15, 2010, November 3, 2010, June 12, 2012, November 6, 2012, November 5, 2013, June 10, 2015, November 3, 2015, June 14, 2016, November 8, 2016, June 14, 2017, November 7, 2017, and January 9, 2018 are incorporated into the Zoning Ordinance.

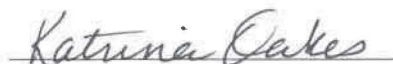


John R. French, Jr., Chair
Camden Select Board

1-9-18

Date

Signature of John R French, Jr. attested:



Katrina Oakes, Camden Town Clerk

1/10/18

Date

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Article I Title

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the Town of Camden, Maine," and will be referred to herein as the Ordinance.

Article II Purpose

This Ordinance, adopted in accordance with the Maine Revised Statutes, is designed to encourage the most appropriate use of the land throughout the Town; to promote the Town's Comprehensive Plan; to foster a pattern of development that respects both villages and the rural landscape while discouraging "sprawl"; to protect existing neighborhoods and encourage formation of new neighborhoods; to provide for vital business areas; to promote traffic safety; to provide safety from fire; to provide adequate light and air; to prevent overcrowding of real estate; to promote a wholesome home environment; to conserve natural resources; and to provide for adequate public services.

Further, within shoreland areas, this Ordinance is designed to carry out the purposes of the State Shoreland Zoning Program including to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas. *(Amended 11/10/09)*

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Article III Definitions

Section 1. Meaning of Words

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural and vice versa. The word "lot" shall include "parcel" and "plot." The word "shall" is used to indicate the mandatory and the word "may" is used to indicate the permissive. The words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

Section 2. Definitions

ABUTTING PROPERTY: Any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located directly across a public street or way from the lot in question.

ACCESSORY APARTMENT: A second dwelling unit contained within a single family detached dwelling or an accessory building on the same lot as a single family detached dwelling for use as a complete, independent living quarters, with provision for living, sleeping, bathing, and cooking.

The single family dwelling, including any accessory building, shall:

- (1) contain no more than one accessory apartment;
- (2) be owner-occupied for the entire time during which the accessory apartment is occupied;

The accessory apartment shall:

- (1) contain a total of less than 600 square feet, gross, of living area; and
- (2) be occupied by a person or household for whom the apartment is the primary residence.

ACCESSORY STRUCTURE: A subordinate structure that is detached from the principal structure, the use of which is incidental to that of the principal structure.

ACCESSORY USE: A use that is clearly incidental to the principal use, that is subordinate in area, extent, or purpose to the principal use being served, and that contributes to the comfort, convenience, or necessity of the principal use and that is located on the same lot with such principal building or use. In a residential district, the accessory use shall not be nonresidential in character. Piers, wharves and bulkheads are included in this definition. *(New last sentence - 11/15/05)*

ACCESSORY STORAGE CONTAINER: A roofed container placed outdoors and used for the storage of goods, materials or merchandise, which are utilized in connection with a lawful principal or accessory use of the lot. The term accessory storage container includes, but is not limited to, containers such as boxcars, semi-trailers, roll-off containers, slide-off containers, railroad cars and “piggy-back” containers. The term accessory storage container does not include a garage or barn accessory to a dwelling or a storage structure accessory to a dwelling provided such structure is not of a type designed, equipped or customarily used for over-the-road transport of goods, materials or merchandise. An accessory storage container is considered a structure and must meet any required setbacks from property lines. *(added 11/5/13)*

AGRICULTURE (or FARMING): The production, keeping, or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities. *(Amended 11/10/09)*

AGRICULTURAL PRODUCTS PROCESSING: The manufacturing, handling, treatment, or packing of crops, livestock, or dairy products, produced or raised on farms, excluding rendering plants, fertilizer manufacturing plants, and similar manufacturing operations.

ALTERNATE CODE ENFORCEMENT OFFICER: A Certified Code Enforcement Officer Appointed by the Camden Board of Selectmen to act in the absence of the appointed Code Enforcement Officer.

AMUSEMENT PARK: A commercially operated park with a predominance of outdoor games and activities for entertainment, including motorized rides, water slides, miniature golf, batting cages, and the like.

AUTO REPAIR GARAGE: A building in which serviceable motor vehicles are maintained, serviced, or repaired.

BACK SETBACK: See **SETBACK, BACK**. *(New – 11/15/05)*

BANNER: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National, state, or municipal flags, or the official flag of any institution or business, shall not be considered banners.

BAR OR LOUNGE: An establishment or part of an establishment used primarily for the sale or dispensing of liquor by the drink.

BOAT AND MARINE SALES AND SERVICE: The sale of boats, yachts and accessories including maintenance, storage, repair or rental. The facility may include removal and launching facilities, floats and docks, water and electrical hookups and fuel pumps. *(New – 11/15/05)*

BREAKWATER: A permanent solid structure of rock, concrete, steel or wood (or combination thereof) extending from the shoreline into the waters for the principal purpose of breaking and reducing the force of waves. *(New - 6/20/06)*

BUILDING: Any structure having a roof. Each portion of a building, separated from other portions by a firewall, shall be considered as a separate building.

BUILDING COVERAGE: The percentage of lot area covered or occupied by principal and accessory structures, where the building foundation meets the ground, including all floor overhangs, but excluding roof overhangs and decks. *(Amended - 11/14/06)*

BUILDING OFFICIAL: see Code Enforcement Officer *(New 6/12/12)*

BULKHEAD: A permanent solid structure or wall built along the shore to retain and protect the upland from wave and sea erosion. *(New - 6/20/06)*

CAMPING GROUND: A parcel of land used for overnight accommodations for campers including erection of tents, overnight cabins and parking facilities.

CHURCH: As used in this Ordinance, refers to a place of worship regardless of denomination.

CLEAR CUTTING: Any timber harvesting which over a 10-year period results in an average residual basal area of trees over 6 inches in diameter measured at 4_ feet above the ground of less than 30 square feet per acre, unless, after harvesting, the site has a well-distributed stand of trees at least 5 feet in height that meets the regeneration standards defined under 12 M.R.S.A., Chapter 805, § 8869, Subsection 1.

CLINICS FOR ANIMALS: A place for the medical treatment of animals. *(new – 11/14/06)*

COASTAL WETLAND: All tidal and sub tidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land which is subject to tidal action during the highest annual tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes and include all areas affected by tidal action, not just those areas where salt marshes and salt meadows exist. Cobble and sand beaches, mudflats, and rocky ledges, below the highest annual tide are all considered to be coastal wetlands. *(New – 11/15/05 and amended 06/14/16))*

CODE ENFORCEMENT OFFICER: The official responsible for enforcement of the Ordinance and for other duties set forth by state statute and other ordinances. The Code Enforcement Officer (CEO) and Assistant Code Enforcement Officer shall also have all the duties of a Building Inspector and shall be certified by the state in accordance with Title 30-A, M.R.S.A. § 4451. An Assistant Code Enforcement Officer may be appointed to serve at the direction of the CEO, and in the CEO's absence shall have all authority of a CEO pursuant to local ordinances and state statutes. The CEO and the Assistant CEO shall also serve as Building Official and Assistant Building Official in the enforcement of the MUBEC. *(Amended 06/12/12)*

COLLEGE: A degree-granting institution of higher (post-secondary) education.

COMMERCIAL: The use of lands, buildings, or structures, the intent and result of which activity is the production of income from the buying and selling of goods and/or services or the support of such activity, exclusive of residential buildings and/or dwelling units that are offered for rent. *(new 11-3-2015)*

COMMERCIAL OUTDOOR RECREATION: Outdoor recreation activities that are operated by an entity other than a unit of government and which are available for use for a fee, including but not limited to standard golf courses, ice skating rinks, tennis courts, cross-country ski trails, and alpine ski trails and the rental of non-motorized sports equipment, but excluding games and activities common to amusement parks. Private outdoor recreation facilities serving exclusively a residential use shall be considered accessory to the residential use.

COMMERCIAL SCHOOL: See **SCHOOL, COMMERCIAL** *(New – 11/15/05)*

COMMUNITY BUILDING: A private building used by a fraternal, philanthropic or other civic organization and which may be made available from time to time for community functions.

COMMUNITY LIVING USE: A state-approved, authorized, certified or licensed group home, or intermediate care facility for eight or fewer mentally handicapped or developmentally disabled persons.

CONGREGATE HOUSING: A type of dwelling in which each individual or family has a private bedroom or living quarters but shares with other residents a common dining room and other common elements. Congregate housing may include services such as a recreation area, housekeeping, personal care and assistance, transportation assistance or specialized services such as medical support that are offered for the use of residents. Incidental use of facilities by the general public shall be permitted, but shall not cause such facilities to be treated as separate uses. Each individual bedroom or living quarters shall be considered an individual dwelling unit. *(new 11-3-2015)*

CONSOLIDATED PIER: A shared pier that meets the standards of Article X, part 1, section 1, (8A).

CORNER LOT: Lot located at the intersection of two streets.

COTTAGE: A dwelling unit designed to be used as a residence during less than six (6) months out of the year which does not qualify as a dwelling as defined herein.

DAY CARE CENTER (or NURSERY SCHOOL): A facility licensed by the State of Maine for the care or instruction of more than three (3) preschool aged children, exclusive of children who may be living in the home which is serving as the day care or nursery school facility.

DAYS: For purposes of computation of the time period for any action or appeal within this Ordinance, days shall mean consecutive calendar days; provided, however, that in the event that the last day of any such time period falls on a Saturday, Sunday, or a holiday in which the Town Office for Camden is closed, then the time period shall be deemed to expire on the next succeeding calendar day that the Town Offices are open for business.

DRIVE-THROUGH WINDOW: A facility associated with some eating places, banks, and other service enterprises and designed to enable customers or patrons to remain in their motor vehicles while passing by an external opening in the structure where they place or receive orders or transactions. A window designed to receive orders or transactions exclusively from pedestrians is not included in the term "drive-through window."

DRIVEWAY: A vehicular access from a public or private way to a structure or use on a lot. Driveways shall be a maximum of twenty (20) feet wide. A driveway may cross front, side and rear setbacks and may be utilized for parking. A driveway is less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less. *(Amended 11/10/09)*

DWELLING: A building used as the living quarters for one or more families. The term "dwelling" shall also include manufactured housing as defined by Title 30-A, M.R.S.A., § 4358(1), as the same may, from time to time, be amended, and an older mobile home as further defined in this Zoning Ordinance.

DWELLING, ATTACHED: A single family dwelling which has two or more fire separation walls, or one fire separation wall in the case of a dwelling unit at the end of a group of attached dwellings; which has no dwelling unit above or below it; and which has no common hallway with any other dwelling unit.

DWELLING, MULTIFAMILY: One or more buildings used for residential occupancy by more than two families, each living independently of the other. *(Amended - 6/20/06)*

DWELLING, SINGLE-FAMILY DETACHED: A building separate from any other building and that is designed and used exclusively for the living quarters of one family only and not containing more than one dwelling unit. The term includes manufactured housing and older mobile homes.

DWELLING, TWO FAMILY: A building used for residential occupancy by two families living independently of each other.

DWELLING UNIT: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one person or family at a time, and containing living, sleeping, toilet and cooking facilities. The term shall include mobile homes and rental units that contain cooking, sleeping and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units. A dwelling unit may not be rented for periods of less than seven (7) consecutive days. *(Amended 11/10/09)*

ESSENTIAL SERVICES: The construction, alteration, or maintenance of the following facilities, provided they serve primarily the Town of Camden or a neighborhood or structure within the Town: steam, fuel, gas, communication, transportation, electric power, or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include buildings which are necessary for the furnishing of such services. See also Public Utility. Essential services shall not be subject to the space and bulk standards of this Ordinance.

The Essential Services shall not include a wireless telecommunications facility for which a permit is necessary in accordance with the Wireless Telecommunications Facility Siting Ordinance, except that a wireless telecommunications facility shall be deemed to be an Essential Service in the following limited circumstances:

- (a) when such facility or a structure which is part of such facility involves co-location as part of an existing wireless telecommunications facility up issuance of a permit by the Code Enforcement Officer as set for in Section 4.1 of the Wireless Telecommunications Facility Siting Ordinance;
- (b) location of an antenna in an existing structure, such as (for purposes of illustration) a church steeple, silo or multi-story building, with no exterior storage of equipment outside that existing structure.

ESTABLISHED UNIFORM SETBACK RELATIONSHIP: For purposes of the determination of the front setback in the Traditional Village District (V), the Village Extension District (VE), the Transitional Business District (B-3), and the Neighborhood Service District (B-4), the established uniform setback relationship is the established relationship which is deemed to exist when the distance between the part of the principal building nearest to the street and the edge of the right-of-way of that adjoining street for the two adjacent lots fronting on the same street on each side of the subject parcel (the parcel for which the setback is being determined) is, for each such building, within 5 feet of the average setback distances of the principal buildings on those 4 lots.

FAMILY: One or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boarding home, rooming house, or hotel.

FAST FOOD RESTAURANT and TAKE-OUT FOOD SERVICE: See **FOOD SERVICE**

FINANCIAL SERVICE: A service listed under U.S. Standard Industrial Classification Codes 60 through 67, inclusive, and including banking, other credit agencies, security and commodity brokers and service, insurance, real estate and investment offices.

FLAG: Any fabric or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

FLEA MARKET: An outdoor market selling antiques, used household goods, curios, and the like, at a frequency of more than four days in any six-month period. Flea markets, as distinguished from yard (or garage) sales, shall be prohibited under this Ordinance.

FLOOR AREA: The surface of a structure on which one walks.

GROSS FLOOR AREA: The floor area within the inside perimeter of the *exterior walls* of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features. The floor area of a building, or portion thereof, not provided with surrounding *exterior walls* shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area shall not include shafts with no openings and areas with less than 6' of headroom. (Amended - 6/9/2015)

NET FLOOR AREA: The calculation of the sum of the floor area devoted to the permitted use(s) on all floors of the building for the purpose of determining a parking requirement. Other areas, such as those used for utilities, storage, stairs, corridors and rest rooms, shall not be included in the calculation. (New - 6/20/06), (Amended - 6/9/2015)

FLOOR AREA RATIO (FAR): Floor area ratio (FAR) is the ratio of total building floor area in relation to the area of a parcel. . A parcel in a Business Opportunity Zone has a maximum FAR of 2 which when multiplied by the parcel area, produces the maximum amount of net floor area that is allowed under the Ordinance on that particular parcel. (New- 6/9/2015)

FOOD SERVICE: A place for the serving of prepared food and beverages to the public. For the purposes of this Ordinance, establishments involved with food service shall be divided into the following categories:

SIT-DOWN RESTAURANTS: A full service eating facility that meets all the following criteria:

1. Food and beverages are served at a table for consumption exclusively on the premises.
2. Plates and utensils are washed on the premises.
3. At least 50% of the seating is within the building.
4. State and town hygiene requirements are met.

A sit-down restaurant does not meet the criteria for a fast food restaurant.

FAST FOOD RESTAURANT: A facility where the food and/or beverages are (1) primarily intended for immediate consumption, (2) available upon a short waiting time, (3) served over the counter rather than at a table, and (4) prepackaged or presented in such a manner that the food and/or beverages can be readily eaten off the premises where

sold. For the purposes of this Ordinance, a fast food restaurant shall not be considered an accessory use even if subordinate to another use.

TAKE-OUT FOOD SERVICE: The sale of prepared food and/or beverages by an establishment whose space is devoted principally to the sale of groceries, including grocery stores, bakeries, wine and cheese stores, and similar establishments that sell food for use in the home. For the purposes of this Ordinance, such sale of prepared food and/or beverages shall be considered accessory to the principal use.

FOREST MANAGEMENT ACTIVITIES: Timber management and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

FOUNDATION: The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material. *(New - 6/20/06)*

FRONTAGE: The linear distance between the sidelines of a lot, measured along the lot line that borders upon whatever right-of-way serves as legal access to the lot. For the purposes of this Ordinance, the following ways shall constitute legal access to a lot along which frontage shall be measured:

- (1) a way accepted by or established as belonging to the Town of Camden, Knox County, or the State of Maine, provided access is not specifically prohibited;
- (2) a way, whether dedicated to public ownership or not, as shown on an approved subdivision plan;
- (3) a private or public way which has not been approved by a governmental subdivision but which has been established in a deed recorded in a registry of deeds or otherwise legally established by adverse possession or adverse use.

In the case of a lot bordering upon more than one way as defined above, the measurement of frontage shall include the entire length of the property line along such way or ways. Minimum street frontage shall mean continuous frontage.

FRONT SETBACK: See **SETBACK, FRONT** *(New – 11/15/05)*

FUNCTION HALL: A building or a portion of a building used for the purpose of hosting a function, such as a conference, party, banquet, reception or other social event. *(Added 06/17/09)*

FUNCTIONALLY WATER-DEPENDENT USES: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and that cannot be located away from these waters. The uses include, but are not limited to: commercial and recreational fishing and boating facilities, excluding recreational

boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale marketing facilities, waterfront dock and port facilities, shipyards, boat yards, and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to coastal or inland waters. *(Amended 11/10/09, 6/15/10)*

FUNERAL HOMES: Establishments where the deceased are prepared for burial or cremation, where the body may be viewed, and where funeral services are sometimes held. *(New – 11/15/05)*

GAS STATION: An establishment where gasoline and other petroleum products are sold principally for use in motor vehicles. A gas station may not be considered an accessory use, except; 1) at marinas if the sale of gasoline for use in motor vehicles is incidental and accessory to the sale of fuel for marine purposes; and 2) as a Special Exception in the Business Opportunity Zone as described in Article VIII Section 17. *(Amended 6/9/2015)*

GOLF COURSE: A tract of land for playing golf, improved with trees, greens, fairways, and hazards, and which may include clubhouses and shelters. The term excludes miniature golf courses.

GREAT POND: Any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner. Any pond known as GPA, pursuant to 38 M.R.S.A. Article 4-A, § 465-A. *(New last sentence - 11/2/10)*

GROUND COVERAGE: The percent of lot area covered or occupied by all structures, parking lots, and other disturbed surfaces that are non-vegetated.

HAIR SALON: A place where hair is cut and styled. The use may include ancillary services, such as facials, manicures, pedicures and tanning devices. *(New - 6/20/06)*

HARBOR LINE: The harbor line for the inner harbor is the line as described on the Official Zoning Map B of the Town of Camden as adopted by a vote of the electoral body on June 10, 1986. The harbor line for the remainder of the Town's shoreland area is the mean high water line.

HEALTH SERVICE FACILITY: An out-patient establishment furnishing medical and fitness services to humans, including the offices of physicians, dentists, and other health practitioners, clinics, medical laboratories, blood banks, and health clubs.

HEIGHT OF BUILDING OR STRUCTURE: Vertical measurement from a point on the ground at the average original grade adjoining the foundation to the highest point of the building or structure, excluding incidental protrusions. In all districts except the Harbor Business District, the height specified in Article VIII may be increased by four feet if all roof areas of the structure above 16 feet have a pitch of five in twelve or greater. *(Second sentence amended - 6/20/06)*

Original grade: the grade of the land that exists prior to the beginning of the proposed construction; provided, however, that if the grade has been altered in the twelve months prior to the application for a building permit for the proposed construction, as evidenced by a building permit or an excavation permit issued pursuant to Article V, Section 2, or Article X, Part II, Section 1((2)(b)), the original grade shall be the grade of the land that existed prior to the alteration.

Average original grade: except for buildings wholly or partially within the flood plain, average original grade shall be calculated by taking the original grade elevations every ten feet along the perimeter of the foundation or proposed foundation, beginning at the lowest point. The average of all of these elevations shall be the average original grade from which the height of building is measured.

For buildings or structures wholly or partially within the flood plain, the lowest original grade for purposes of calculating average original grade shall be the lowest floor level allowed by the Camden Flood Plain Management Ordinance; except that any building or structure existing as of June 9, 1992, whose average grade as of that date is lower than the lowest floor allowed by the Camden Flood Plain Management Ordinance, shall be measured from the average original grade existing as of that date. The applicant shall have the burden of submitting sufficient evidence of the average original grade existing as of June 9, 1992. Notwithstanding the calculation of height set forth above in this paragraph, for nonresidential buildings of one story, used exclusively for construction, storage or repair of boats or ships on lots abutting the inner harbor, height of such a building shall be calculated as a vertical measurement exclusively from the lowest floor for that building allowed by the Camden Flood Plain Management Ordinance.

A plan of the building or structure, prepared by a registered professional (either surveyor, engineer, or architect) showing elevations in at least ten-foot horizontal increments around the foundation or the proposed foundation, shall be submitted with any building permit application, unless the vertical measurement from the lowest original grade adjoining the foundation to the highest point of the building or structure, excluding incidental protrusions, is less than the maximum height allowed in the District, or unless the application does not entail a change in the maximum existing height of the building or structure.

Incidental protrusions shall mean structures attached or fixed to a building or structure which do not exceed in area five percent of the ground coverage of the building or structure, or proposed building or structure. Chimneys, antennas, cupolas, towers, or steeples are examples of the type of structures that are usually considered incidental protrusions.

The term "height of building" shall also mean the height of a structure.

HIGH ELEVATION AREAS: Lands more than 500 feet above mean sea level, subject to the special performance standards of this Ordinance.

HISTORIC DISTRICT: Lots identified as historic and so identified on the Historic Areas Overlay Map.

HOME OCCUPATION: An occupation or profession which is accessory to a residential use and is customarily carried on in a dwelling unit or other structure accessory to a dwelling unit; carried on by a member of the family residing in the dwelling unit; clearly incidental and secondary to the use of the dwelling unit for residential purposes; and conforms with the standards of Article X, Part II, Section 7 of this Ordinance.

HOSPITAL: An institution licensed by the state to provide human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facility.

HOTEL OR MOTEL: See **LODGING**

INDIVIDUAL PRIVATE CAMPSITE: An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform. *(Amended 11/10/09)*

INN: See **LODGING**

JUNKYARD: A yard, field, or other area used as a place of storage for the following items, excluding items which are being stored out of doors for household use within a reasonable period of time:

- (1) Three or more unserviceable, discarded, worn-out, or junked motor vehicles as defined by state law, not including temporary storage, as defined by state law, by an establishment or place of business engaged primarily in doing auto body repair work for the purpose of rendering a motor vehicle serviceable;
- (2) Discarded, worn-out, or junked plumbing, heating supplies, household appliances, and furniture;
- (3) Discarded, scrap, junked lumber; or
- (4) Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or non-ferrous material.

LOCAL PASSENGER TRANSPORTATION SERVICE: A privately owned for-hire company that provides transportation services to customers. *(New 6/9/2015)*

LODGING: An overnight accommodation with sleeping arrangements provided for a fee. For the purposes of this Ordinance, all lodgings shall be divided into the following categories:

HOMESTAY: A use that is accessory and incidental to the primary use of a dwelling as a residence and that (1) provides one or two furnished bedrooms for rent to guests; (2) is operated by the family or person residing permanently in the home; (3) employs no persons who are not residing permanently in the home; (4) exhibits no signs and conducts no advertising other than being listed with a referral service; (5) provides all parking on-site; and (6) gives no other exterior display or indication of the activity. A maximum of one homestay is allowed per multifamily building.

ROOMING HOUSE: A building of residential character in which three, but no more than ten, furnished rooming house bedrooms are rented to guests usually staying more than two weeks for the purpose of lodging and/or the taking of meals, and in which the family or person residing permanently in the home acts as proprietor. The minimum lot area per room shall be 3,000 square feet.

INN: A type of lodging based in the permanent dwelling of the person or family acting as proprietor and that accommodates for a fee travelers and other transient guests who are staying for a limited duration. An inn (1) has ten or fewer sleeping rooms offered for rent; (2) does not provide full service dining, but may serve breakfast and/or an afternoon snack to guests only, and (3) may be licensed to host up to eight special functions per year, including the serving of meals to such gatherings, provided that written notification is provided to the Code Enforcement Officer and that parking for such functions is provided on-site or through other off-street arrangements. An inn located on a nonconforming lot shall be subject to the terms of Article VI, Section 2(2) (c) of this Ordinance.

HOTEL OR MOTEL: A commercial building or group of buildings built or converted to accommodate for a fee, travelers and other transient guests, who are staying for a limited duration, with sleeping rooms (with or without cooking facilities). A hotel or motel may include restaurant facilities where food is prepared and meals are served only to its overnight guests.

LOT: All contiguous land in parcels in single or joint ownership described on a deed, plot plan, or similar legal document recorded in the Knox County Registry of Deeds and having frontage. In the shoreland zone, the area of a lot is the area of land enclosed within the boundary lines of the lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots. *(Amended 11/10/09)*

LOT COVERAGE: See Ground Coverage.

LOW IMPACT USE: A commercial or other nonresidential use not otherwise allowed in a zoning district that shares a structure with a dwelling unit and that complies with the standards of Article VII, Section 4, (9), of this Ordinance, which standards are intended to assure that the use fits into its surroundings without adverse impact while allowing a reasonable degree of diversity characteristic of village settings. A low impact use is not required to meet the standards of Article X, Part II, Section 7.

MANUFACTURED HOUSING: See **DWELLING**

MANUFACTURING: The processing, fabrication, assembly, or packaging of products or parts.

MARINA: A business establishment having frontage on navigable water and, as its principal use, providing for offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities. *(Amended 11/10/09)*

MARINE RAILWAYS: A parallel set of rails running from a marine related facility to the water for the purposes of launching, repairing, and retrieving boats and vessels onto land to which said set of rails is connected.

MINERAL EXPLORATION: Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

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

MOBILE HOME PARK: A parcel of land approved by the municipality for the placement of three (3) or more units of manufactured housing or older mobile homes on mobile home park lots in accordance with provisions of this Ordinance.

MOTOR HOME SALES: The sale of vehicles with a room behind the driver's seat, outfitted as living quarters. *(New – 11/15/05)*

MOTOR VEHICLE SALES: The sale of automobiles, trucks, buses or similar motor-driven conveyances. *(New – 11/15/05)*

MUNICIPAL USE: A use of land, structure, or building, owned or controlled by the Town of Camden or any district, agency, or commission thereof, which serves a public purpose.

MUBEC: “MUBEC” or “this Code” means the Maine Uniform Building and Energy Code adopted pursuant to 10 M.R.S.A. § 9271 *et seq.* *(New – 6/12/12)*

NEIGHBORHOOD STORE: A retail store that occupies less than 2,000 square feet of total floor space, of which at least 60% is dedicated to retail sales of groceries and within which no alcoholic beverages are consumed.

NONCONFORMING LOT: A single lot as described in a recorded deed or instrument which, at the effective date of adoption or amendment of this Ordinance, does not meet the lot area, lot area per dwelling unit, or frontage requirements of the District in which it is located. It is

allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

NONCONFORMING STRUCTURE: A structure that does not meet the setback, ground coverage, building coverage, view corridor, or height standards of the District in which it is located. It is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

NONCONFORMING USE: A use of premises that is not permitted in the District in which it is located, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

NONINTENSIVE RECREATION: Leisure time activity that can be undertaken without altering the natural landscape, can be engaged in individually or in small groups, and does not use motorized vehicles or equipment, as typified by hiking, picnicking, bird watching, bike riding, and cross-country skiing.

NON-RESIDENTIAL USE: The use of a lot, which fails to meet the definition of "RESIDENTIAL USE."

NORMAL HIGH WATER MARK OR LINE - INLAND: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond. *(Amended 11/10/09, 6/15/10)*

NURSERY SCHOOL: See **DAY CARE CENTER (or NURSERY SCHOOL)** *(New – 11/15/05)*

NURSING OR CONVALESCENT HOME: A facility in which nursing care and medical services are performed under the general direction of persons licensed to practice medicine in the State of Maine for the accommodation of convalescent or other persons who are not in need of hospital care, but who do require, on a 24-hour basis, nursing care and related medical services.

OFFICE/WAREHOUSE/DISTRIBUTION CENTER: A use primarily devoted to storage, warehousing, and distribution of goods, merchandise, supplies, and equipment. Accessory uses may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas. *(New 6/9/2015)*

OLDER MOBILE HOME: A single family manufactured unit which does not meet the definition of manufactured housing as set forth in Title 30-A, § 4358, Subsection 1.A of the M.R.S.A., as the same may from time to time be amended.

OPEN SPACE RESIDENTIAL DEVELOPMENT: A form of housing development which allows the developer flexibility in subdivision and housing design, including use of single family detached or attached, two-family, congregate housing, and/or multifamily dwellings, in return for setting aside a portion of the tract of land as permanent open space, in accordance with the provision of Article IX, Open Space Zoning, of this Ordinance. All open space residential developments shall be subject to subdivision regulations and approvals. *(amended 11-3-2015)*

OWNERSHIP: Single or joint title to a lot or parcel of land described in a recorded deed or instrument. For purposes of determining whether a lot or parcel of land contiguous with another lot has the same ownership, a majority stockholder in a corporation shall be deemed the same owner as the corporation, each general partner shall be deemed the same owner as a partnership, and trustees and beneficiaries of a trust shall be deemed the same owners as the trust.

PARKING FACILITY: An outside lot, or any portion of a lot, used for the parking of motor vehicles where that use is a primary use. The term “facility” shall not include a parking garage *(new 11-3-2015)*

PARKING GARAGE: A building used wholly or in part for commercial parking of vehicle. No parking is permitted above the second story level as measured from street level. *(new 11-3-2015)*

PENNANT: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

PERSONAL SERVICE: A service listed under U.S. Standard Industrial Classification Code 72, and including laundry and cleaning services, photography studios, shoe repair shops, funeral homes, and similar services to the general public.

PIER: A permanent platform-type structure connected to the shoreline and usually built perpendicular therefrom over or beyond the normal high-water line or within a wetland, supported by pilings or cribbing. It is used for the berthing, loading, and unloading of vessels in coastal areas. *(Amended - 6/20/06) (Amended 11/10/09)*

PRIME FARM LAND: Land that has not been urbanized, has slopes that are predominantly 8 percent or less, and that has soils identified by the National Cooperative Soils Survey as within one or more of the following soils classification: Agawam, Buxton, Charlton, Elmwood, Paxton, Sudbury, Sutton, and Woodbridge.

PRIVATE SCHOOL: See **SCHOOL, PRIVATE** *(New – 11/15/05)*

PROFESSIONAL OFFICE: A structure which houses a business or corporate office or the office of a person or persons who supply a professional service other than a financial service, health service, or personal service, as defined in this Ordinance. Such professional services include accounting and bookkeeping, advertising and public relations, and radio, television and movie business offices, engineering, surveying, computer and data processing, photocopying and blueprinting, law, management and other professional consulting, membership organizations'

offices, personnel supply, real estate, insurance, secretarial, social services, business services, business offices, and other services clearly similar in nature and purpose to those listed here.

PUBLIC SCHOOL: See **SCHOOL, PUBLIC** *(New – 11/15/05)*

PUBLIC UTILITY: Those essential public services, such as, but not limited to, water, sewer, electricity, telephone, cable, data, gas, and transportation, whether publicly or privately owned, which are regulated by the Maine Public Utilities Commission, the Maine Department of Transportation, or Federal Communications Commission. This term also includes buildings, which are necessary for the furnishing of essential public services. See also Essential Services. *(Amended - 6/20/06)*

PUBLISHING: The organization, issuance and distribution of information and entertainment material, either by print or electronic media.

QUASI-PUBLIC FACILITY: A facility for a recognized public purpose, such as an auditorium, library, park, or museum, which is operated by a non-profit organization or by a public agency other than the municipality.

RENTAL OF GOODS AND EQUIPMENT: The rental of goods or equipment, including automobiles, to the general public for personal or household use or to businesses who will be the users of the goods or equipment.

RESEARCH AND DEVELOPMENT ESTABLISHMENT: An establishment in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the establishment.

RESIDENTIAL USE: The use of a lot with one or more dwelling units, community living uses, congregate housing, nursing and convalescent homes and rooming houses. Residential use includes home occupations and homestays. In the case of lots with mixed uses and for the purpose of determining the need to meet the minimum setback requirement for non-residential uses abutting residential uses, the following applies to the abutting parcels only:

1. Any lot located in the V, VE, CR, RU-1, RU-2 or RP Districts, that contains both residential and non-residential uses, shall be considered a lot in residential use.
2. Any lot located in the B-3 or B-4 Districts shall be considered a lot in residential use if more than 50 percent of the floor area of all structures is residential.
3. Any lot located in the I, B-1, B-2, B-H, B-TH, B-TR or B-R Districts shall be considered a lot in residential use, only if the entire use is residential. *(amended – 11/14/06, 11/3/2015)*

RESTAURANT: See **FOOD SERVICE**

RETAIL SALES: The selling of goods or merchandise to the general public for personal or household consumption or to businesses who will be consumers or end-users of the goods. The term may include services incidental to the sale of such goods. The term does not include gas stations or restaurants.

ROAD CONSTRUCTION: Construction of public or private roads that are part of a State or municipally approved project serving the public and/or roads constructed as part of an approved Subdivision or Site Plan. *(New 6/9/2015)*

ROOMING OR BOARDING HOUSE: See **LODGING**.

SCHOOL, COMMERCIAL: A place or institution for teaching and learning, which place or institution is established for commercial or profit-making purposes, including, by way of example only, schools for dance, music, riding, gymnastics, photography, driving, or business.

SCHOOL, PRIVATE: An institution for teaching and learning which awards post-secondary educational degrees or which provides for continuing education or adult education.

SCHOOL, PUBLIC: A place or institution for teaching and learning, which place or institution teaches courses of study sufficient to qualify attendance there as being in compliance with state compulsory education requirements. The term public school shall encompass religious and independent organizations, regardless of their form of ownership, as well as municipal corporations and school administrative districts, provided that their purpose is to give instruction pursuant to state compulsory education requirements.

SETBACK, BACK: The distance between the rear line of the lot, extending the full width of the lot, and the nearest part of any principal or accessory structure on the lot measured from overhangs or other permanent protrusions. Back or rear setback and back or rear yard are synonymous.

SETBACK, FRONT: The distance between the line of any frontage extending the width of the frontage, and the nearest part of any principal or accessory structure on the lot measured from overhangs or other permanent protrusions. Front setback and front yard are synonymous.

SETBACK, SHORELAND: The nearest horizontal distance from the normal high water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area. *(Added 11/10/09)*

SETBACK, SIDE: The distance between the side property line and the nearest part of any principal or accessory structure on the lot measured from overhangs or other permanent protrusions. Any lot line not a back lot line or a front lot line shall be deemed a side lot line. Side setback and side yard are synonymous.

SHORE FRONTAGE: The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline. *(Amended 11/10/09)*

SHORELAND AREA OR SHORELAND ZONE: The land area located within two hundred fifty (250) feet, horizontal distance, of the normal high water line of any great pond, river; within two hundred fifty (250) feet of the upland edge of a coastal or freshwater wetland, including all areas affected by tidal action; or within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream. *(Amended 11/10/09)*

SIDE SETBACK: See **SETBACK, SIDE** *(New – 11/15/05)*

SIGN: All definitions pertaining to signs are contained in Article XI of this Ordinance.

SINGLE FAMILY DWELLING: See **DWELLING, SINGLE FAMILY** *(New – 11/15/05)*

SIT-DOWN RESTAURANT: See **FOOD SERVICE** *(New – 11/15/05)*

SPECIAL EXCEPTION: A use that is generally appropriate within a zoning district but that has the potential for undue impacts on the public health, safety, and welfare, the natural environment, or on municipal services in the district. Such uses may be allowed if specific provision is made for them within the zoning district and if approved by the Zoning Board of Appeals pursuant to the standards contained in Article VII, Section 4 of this Ordinance.

STREAM: A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minutes series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area. *(Amended 11/10/09)*

STREET LEVEL: The floor of a building that opens to a pedestrian or vehicular way. When a floor is not at the level of the pedestrian or vehicular way, then the floor is at street level when it is less than 8 vertical feet above or below the level of the pedestrian or vehicular way. *(Appendix I, examples A, B, C)* Street level also occurs in the following four circumstances:

- 1) When the grade of the pedestrian or vehicular way slopes along the side of a building, then street level is the lowest floor that has more than 50% of its floor area above the existing or finished grade. *(Appendix I, example D)*
- 2) When due to the slope of a site, a building has street level on one side and a lower floor that opens to a pedestrian or vehicular way on any other side, then the building has two street levels. *(Appendix I, example E)*
- 3) When a building is located in the 100-year floodplain, street level is the lowest floor that is at least one foot above the 100-year base flood elevation. When due to the slope of the site, a building also has a street level on any other side, as defined above, then the building has two street levels. *(Appendix I, example F)*
- 4) When a building is not located in a floodplain, or does not open to a pedestrian or vehicular way, then street level is the lowest floor, excluding the basement that opens directly to the existing or finished grade. *(Appendix I, examples G, H)*
(Entire definition revised 6/17/08),(amended 11/3/2015)

STRUCTURE: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on or in the ground, excluding fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios and satellite dishes. In areas other than shoreland zones, driveways, walkways, patios, or other paved surfaces and essential services are not structures. *(Amended 11/10/09)*

SUSTAINED SLOPE: A sustained slope is the average grade over a horizontal distance of more than 75 feet. *(new – 11/14/06)*

TECHNICAL SERVICES: Sales, rental, design, engineering and installation of mechanical, electrical or electronic equipment and systems, including audio, video, computing or similar systems.

TEMPORARY STRUCTURE: A structure in place for less than nine months in any 12-month period. Temporary structures shall be limited by space and bulk standards set forth in the Zoning Districts.

TEMPORARY STRUCTURE FOR A FUNCTIONALLY WATER-DEPENDENT USE: A structure in place for less than nine months in any 12-month period for the purpose of marine boat repair or construction, or for any other use functionally dependent upon harbor, bay, or shoreline activities. A temporary structure for functionally water-dependent uses shall be subject to the particular height and ground coverage requirements in Article VIII, Section 12(E)(2).

THEATER: A facility devoted to showing motion pictures, or for dramatic, musical, or other live performances. *(Amended 06/17/09)*

TIMBER HARVESTING: The cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated in Article X, Part I, Section 1(14) *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*. As used in this Ordinance, timber harvesting is distinct from clear cutting, which is separately defined. *(Amended 11/10/09)*

TOWN DIRECTIONAL SIGNAGE: A coordinated system of municipal signage to direct vehicular and pedestrian traffic to public facilities and to shopping and recreational districts within the Town of Camden. *(Added 06/17/09)*

TRADESMAN SHOP: The shop of an artist, craftsperson or person in a skilled trade, which may include retailing of items produced on the premises. *(Amended 06/17/09)*

TRIBUTARY STREAM: A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or

exposed soil, parent material or bedrock; and which is connected hydraulically with other water bodies. This definition does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term “stream” as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland. *(New 11/9/04) (Amended 11/10/09)*

TWO FAMILY DWELLING: See **DWELLING, TWO FAMILY** *(New – 11/15/05)*

UNIFORM SETBACK RELATIONSHIP: See **ESTABLISHED UNIFORM SETBACK RELATIONSHIP** *(New – 11/15/05)*

UPLAND EDGE OF A WETLAND: The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller. *(Amended 11/10/09)*

VARIANCE: A grant of permission by the Zoning Board of Appeals to exceed the space and bulk standards or performance standards of this Ordinance. Any such grant shall strictly comply with the standards and procedures of Article VII of this Ordinance. A variance is not authorized for establishment or expansion of a use otherwise prohibited.

VEGETATION: All live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4-½ feet above ground level. *(Added 11/10/09)*

VOLUME: The amount of space enclosed by roof and fixed, solid, exterior walls as measured from the exterior faces of the walls and roof. A basement shall be considered volume if it has a concrete floor and at least seven (7) feet of head room.

WATER BODY: Any great pond, river or stream. *(Added 11/10/09)*

WETLAND, FORESTED: A freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller. *(Added 11/10/09)*

WETLAND, INLAND OR FRESHWATER: *(Amended 11/10/09)* Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, that are:

1. of 10 or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and
2. inundated or saturated by surface saturated by surface or groundwater at a frequency and for a duration sufficient to support, and that under normal circumstances does support, a

prevalence of wetland vegetation typically adapted for life in saturated soil conditions. Wetlands usually include swamps, marshes, bogs, and similar areas.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

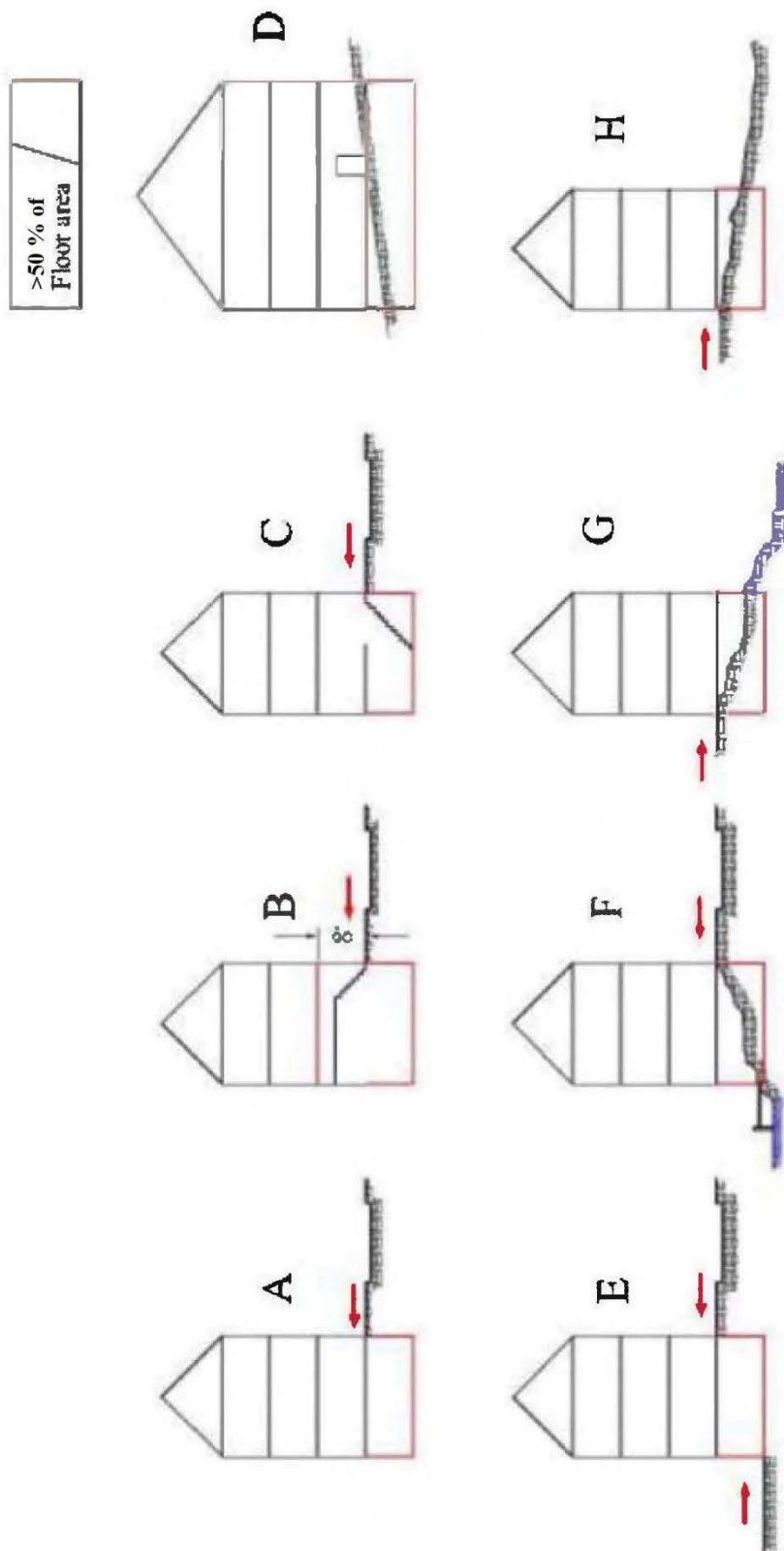
WHARF: A platform-type structure connected to the shoreline and built parallel therefrom over the water, supported by piling or cribbing, used for the berthing, loading and unloading of vessels. *(New - 6/20/06)*

WHOLESALE TRADE: The sale of goods in quantity, as to retailers for resale. *(New – 11/15/05)*

WIRELESS TELECOMMUNICATIONS FACILITY: Any structure, antenna, tower, or other device which provides radio/television transmissions, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (MR), common carrier wireless exchange phone services, and personal communications service (PAS) or pager services.

YARD (OR GARAGE) SALE: A sale of used household goods, curios, and the like. Yard (or garage) sales, as distinguished from flea markets, shall be considered to be accessory uses under this Ordinance and shall not be conducted more frequently than four days in any six-month period.

APPENDIX 1 - STREET LEVEL EXAMPLES



Article IV Establishment of Districts

Section 1. Zoning Map

A map entitled "Town of Camden Zoning Map" is hereby adopted as part of the Ordinance and shall be referred to as the Official Zoning Map. The Official Zoning Map (including all overlay maps referred to in this Ordinance) shall be identified by the signature of the Chairman of the Board of Selectmen and attested by the signature of the Town Clerk. The Official Zoning Map shall be located in the office of the Town Code Enforcement Officer, and it shall be the final authority as to the current zoning status of the land and water areas, building, and other structures in the Town.

Section 2. Zoning Districts

The Town is divided into the following districts, as shown by the district boundary lines on the Official Zoning Map:

Natural Resource Protection (RP) District

Rural 1 (RU-1) District

Rural 2 (RU-2) District

Rural Recreation (RR) District

Village Extension (VE) District

Traditional Village (V) District

Coastal Residential (CR) District

Downtown Business (B-1) District

Highway Business (B-2) District

Business Transition (B-3) District

Neighborhood Service (B-4) District

Harbor Business (B-H) District

Transitional Harbor Business (B-TH) District *(added 11/11/08)*

River Business (B-R) District

Transitional River Business (B-TR) District

Industrial (I) District

In addition, there are established three overlay areas, which, in addition to the standards of the zoning districts they overlay, are governed by performance standards set forth in Article X, Part 1, Section 1 - 3. The overlay areas address shoreland areas, high elevation areas, and historic areas. An additional overlay zone, The Business Opportunity Zone, subject to the standards found in Article XII, Section 6, (12) which may be used in lieu of the current zoning for Zoning Districts B-2, B-3, B-4, B-R, and B-TR. *(Amended 6/9/2015)*

Section 3. District Boundaries

(1) Uncertainty of boundaries

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- (b) Boundaries indicated as approximately following well established lot lines shall be construed as following such lot lines;
- (c) Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits;
- (d) Boundaries indicated as following shorelines shall be construed to follow the normal high water line, and in the event of natural change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center line;
- (e) Boundaries indicated as being parallel to or extensions of features indicated in paragraphs (a) through (d) above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map. Any conflict between the zoning map and description of metes and bounds in a deed shall be resolved in favor of the description by metes and bounds.
- (f) Where physical or cultural features existing in the ground are at variance with those shown on the Official Zoning Map or in circumstances where the items covered by paragraphs (a) through (e) above are not clear, the Zoning Board of Appeals shall interpret the district boundaries.

(2) Division of lots by district boundaries

Where a zoning district boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended into the more restricted portion of the lot, but not more than 50 feet; provided, however, that minimum side

yard and back yard requirements and buffering requirements for nonresidential, multifamily, or congregate housing use abutting a residential use shall be observed.*(amended 11/3/2015)*

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Article V Administration and Enforcement

Section 1. Administrative Official

The Code Enforcement Officer shall enforce this Ordinance, for which purpose he shall establish reasonable procedures. He shall have all of the duties, responsibilities and powers set forth in state statute or local ordinance, including but not limited to the power to issue "stop work" orders, notices of violation of the Ordinance and orders to cease violations, or similar notices in the execution of his duties and the authority to revoke building permits as a result of violations of the Zoning Ordinance and/or MUBEC. by the permittee, noncompliance with the building permit, or other sufficient cause under the Zoning Ordinance and/or MUBEC. He shall keep all activities within the jurisdiction of this Ordinance under surveillance. He shall examine all applications for permits or other actions under this Ordinance and within sixty (60) days from the receipt of such application grant building and/or use permits to those applications acceptable according to the terms of this Ordinance, or issue a denial in writing with reasons therefore to those applications which are violations of this Ordinance or do not otherwise conform to the terms of this Ordinance. The Code Enforcement Officer shall cause to be posted in the Town Office and on the Town web site a monthly report of building permits within 15 days of the end of the month. The Code Enforcement Officer shall keep records of his proceedings and such records shall be made public. He shall institute or cause to be instituted in the name of the Town any actions that might be appropriate for the enforcement of this Ordinance and for prosecutions of violations of this Ordinance. He shall report to the Town Manager any changes that might be needed in the Ordinance and prepare a file for review by the Selectmen and Planning Board for future action. He shall follow up all building and/or use permits to ascertain compliance with any conditions or restrictions imposed on the permittee by the Code Enforcement Officer, Planning Board, or the Zoning Board of Appeals. *(Amended 6/12/12)*

The action of the Code Enforcement Officer in issuing a "stop work" order, notices of violations, or similar notices, and the action of the Code Enforcement Officer in revoking building permits, shall be appealable to the Zoning Board of Appeals by an aggrieved person or party within fifteen (15) days after the date of receipt of notice of such action by the aggrieved person or party. All other appeals to the Code Enforcement Officer shall conform with the time periods set forth in Article V, Section 5 of this Zoning Ordinance. Upon appointment by the Board of Selectmen, the Alternate Code Enforcement Officer shall have all the duties, responsibilities and authority of the Code Enforcement Officer.

Section 2. Permits Required

None of the following actions shall be taken until the Code Enforcement Officer has issued a building and/or use permit certifying that the plans of an intended use of the land or building are in conformity with this Ordinance. No permit shall be issued for a project that includes a new driveway, until a driveway/access permit has been issued by the Road Commissioner and/or the Maine Department of Transportation. Said permit shall be posted on site in a manner that is visible from a public way within seven working days of issuance. In

addition to the actions identified below, this Ordinance applies to any other actions, which do not require a building or use permit. *(Second sentence added - 6/20/06)*

- (1) Construction, enlargement, alteration, demolition, or moving of any building or structure, including temporary structures, when the fair and reasonable value of such labor and materials used exceeds \$2,000.00 cumulatively within a 12-month period or work requiring a permit per section 105 and R105 of MUBEC. Although no permit is required, if the fair and reasonable value of said labor and materials used is equal to or less than \$2,000.00 cumulatively within a 12-month period or is exempt per section 105 and R105 of MUBEC., said construction, enlargement, alteration, demolition, or moving of any building or structure must still comply with all the provisions of this Ordinance. *(Amended 06/12/12)*
- (2) New use, including a new commercial use or a change of majority ownership or a modification that is subject to an ordinance requirement or review criteria for that commercial use. *(Amended 6/15/10)*
- (3) Change of exterior dimensions and/or illumination of an existing sign.
- (4) Extraction of mineral resources.
- (5) Excavation or filling of land causing the removal or filling of earth in volumes exceeding one hundred (100) cubic yards in a period of one (1) year.
- (6) The provision, whether by fee simple ownership, lease, or other agreement, of off-street parking spaces located on a different lot other than the principal building or use in order to comply with the off-street parking requirements of this Ordinance.

Permits issued under (2) and (6) above are exempt from the posting requirement.

Section 3. Exclusions from Permitting

The following activities are excluded from permitting: Any activities exempted under the MUBEC; painting; and landscaping activities not part of projects or developments requiring site plan review. *(Amended 06/12/12)*

Section 4. Certificate of Occupancy *(Amended 06/12/12)*

- (1) This Section shall apply to all activities requiring a building permit, including alterations and renovations to single family and two-family dwellings. This section does not apply to work exempt from permitting under the MUBEC and accessory buildings and structures not for human occupancy. *(Amended 06/12/12)*
- (2) Except as provided in paragraph (1) of this Section, it shall be unlawful to use or occupy or permit the use or occupancy of any land, building, structure or part thereof which is created, erected, moved, changed, converted, altered or enlarged, or to change, alter or

enlarge the use of any land, building, or structure for which a building permit is required until a Certificate of Occupancy is issued therefore by the Code Enforcement Officer and endorsed to the effect that the proposed use of the land, building, or structure conforms with the requirements of this Ordinance and with applicable state statutes governing plumbing permits and electrical permits. *(Amended 06/12/12)*

- (3) An applicant shall apply for a Certificate of Occupancy at the same time as applying for a building permit. After completion of the work permitted by the building permit, the applicant shall notify the Code Enforcement Officer, who shall issue or deny the Certificate of Occupancy within fifteen days. The Code Enforcement Officer's failure to act within fifteen days shall constitute denial of the Certificate of Occupancy. The Code Enforcement Officer shall issue the Certificate of Occupancy only upon finding that the building, structure, or site and the use or occupancy thereof comply with the provisions of this Ordinance and of any building permit issued, and of any site plan or subdivision plan approved by the Planning Board or Zoning Board of Appeals. The Code Enforcement Officer shall maintain a public record of all Certificates of Occupancy which are issued. *(Amended 06/12/12)*
- (4) One conditional Certificate of Occupancy, valid for no more than six (6) months from the date of issuance may be granted by the Code Enforcement Officer based on a showing of reasonable need by the applicant. Once the project is completed, the CEO shall issue a Certificate of Occupancy. *(Amended 06/12/12)*

Section 5. Fee and Time Limits

- (1) Application shall be in writing on forms provided by the Code Enforcement Officer and account for all aspects to which this Ordinance applies. Building permits are valid for six (6) months for the beginning of construction or use and for two (2) years for the completion of construction, including finish grading, landscaping, proper backfill, proper drainage, and all other things to cause the construction, renovation, or change to look presentable. An extension of time for six months to commence or to complete may be granted upon application to and approval by the Code Enforcement Officer, upon a showing by the applicant of reasonable need, unless the zoning ordinance requirements had been changed after the issuance and receipt of the original permit, in which case the request for extension may be granted only upon application to and approval by the Zoning Board of Appeals. A fee schedule for building or use permits shall be established by the Selectmen annually and the Selectmen shall annually establish a fee for applications for building and/or use permits that are filed by the applicant after the commencement of the activity for which the permit is required, such fee to be greater than the fee for an application that was filed in a timely manner.
- (2) Administrative appeals to the Zoning Board of Appeals from an action of the Code Enforcement Officer in issuing or denying building permits or Certificates of Occupancy shall be made within sixty (60) days of the date of such action or non-action by the Code Enforcement Officer. Failure of the Code Enforcement Officer to act upon a request for

action, except for an application for a Certificate of Occupancy, or upon an application for a building permit and/or use permit within sixty (60) days of the date of receipt of such application by the Code Enforcement Officer shall constitute denial of that request or application. The Zoning Board of Appeals shall have no authority to decide an appeal or to accept any appeal which has not been made within such sixty-day (60-day) period.
(Amended 06/12/12)

Section 6. Penalties

The monetary penalties for violations of this Ordinance shall be as follows:

- (1) The minimum penalty for starting construction or undertaking land use activity without a required permit shall be \$100, and the maximum penalty shall be \$2,500 per day.
- (2) If a required permit is not displayed within seven (7) days of issuance, it shall become null and void, and fees are not refundable.
- (3) The minimum penalty for any other specific violation shall be \$100 and the maximum penalty shall be \$2,500 per day.

In all other respects, assessments of penalties under this Ordinance shall be in accordance with Title 30-A, Maine Revised Statutes Annotated, § 4452. Assessment of penalties shall commence 48 hours after the date of a certified mailing of a notice of violation signed by the Code Enforcement Officer to the person or party in violation of this Ordinance. Such notice shall be mailed with return receipt requested to the last known address of the person or party in violation of this Ordinance. Return of the receipt indicating that the notice was undeliverable as addressed or otherwise not delivered to the person or party in question shall not in any respect invalidate enforcement of this Ordinance or any penalties for violations thereof. In addition to penalties provided herein, the Town may bring an action in the Superior Court or District Court to enjoin violations of this Ordinance, for collection of penalties, and for such other relief as by law may be provided.

Section 7. Legal actions, consent agreements and consent orders

When the actions of the Code Enforcement Officer do not result in the correction or abatement of violations of this Ordinance, the municipal officers (the Select Board), upon notice from the Code Enforcement Officer, are hereby authorized to institute any and all actions or proceedings, either legal or equitable, including seeking injunctions concerning violations and the imposition of fines and penalties pursuant to Title 30-A, Maine Revised Statutes Annotated, §4452, seeking the relief and monetary penalties set forth in that statute, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless the municipal officers are satisfied by the party requesting a consent agreement, that the following conditions have been met.

1. there is no evidence that the landowner or the violator of the Ordinance acted in bad faith;
2. there are no prior violations by the landowner or the violator;
3. the violation did not continue following a municipal order to stop the violation; and
4. the illegal structure or use will not result in a threat or hazard to public health and safety and will not result in substantial environmental damage.
5. The illegal structure or use does not have a significant adverse effect on the value or possession of adjoining properties.

The municipal officers shall give notice to all landowners with land abutting a lot for which a structure or use involves a consent agreement of the Select Board meeting at which the Select Board considers the request for a consent agreement.

In addition to the authority to seek an administrative consent agreement as set forth above, the municipal officers are also authorized to enter into administrative consent orders subject to approval of the Court. The municipal officers shall have the authority to enter into an administrative consent order on such terms and conditions as the municipal officers deem proper.

Upon enactment, this amendment to the Zoning Ordinance shall be effective immediately.

Upon enactment, this amendment shall also amend the appropriate provisions in Chapter XII of the Camden Code. *(New Section 7 – 6/17/03)*

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Article VI Nonconformance

Section 1. Purpose

The purpose of this Article is to regulate nonconforming lots, uses, and structures as defined in this Ordinance such that they can be reasonably developed, maintained or repaired, or changed to other less nonconforming or to conforming lots, uses, or structures. Definitions of nonconforming lot, nonconforming structure, nonconforming use, and ownership may be found in Article III of this Ordinance.

Section 2. Nonconforming Lots *(Amended 11/10/09)*

(1) Contiguous or Partially Built

- (a) If two or more vacant, contiguous lots or parcels, or one or more vacant lots or parcels contiguous with a lot that has a principal use, are in single or joint ownership of record, as defined in Article III of this Ordinance, at the time of or since adoption or amendment of this Ordinance, and if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, the lots shall be combined to the extent necessary to meet the dimensional standards, except:

- (i) where the contiguous lots front onto different streets; or

- (ii) if the lots were legally and separately created and an approved subdivision plan of those lots was recorded in the Knox County Registry of Deeds after September 22, 1971.

This provision shall not apply to 2 or more contiguous lots, at least one of which is nonconforming, owned by the same person or persons and recorded in the registry of deeds if the lot was created prior to June 12, 1990 and is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and
(amended 6/15/10)

- (iii) each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; and

- (iv) any lots that do not meet the frontage and lot size requirements of Section 2(1)(a) are reconfigured or recombined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

- (b) A nonconforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that

all provisions of this Ordinance except lot area and frontage can be met. Variance of other requirements shall be obtained only by action of the Zoning Board of Appeals.

- (c) Any nonconforming lot may be modified as long as it does not create a condition which leaves the lot's frontage or area below the minimum requirements of this Ordinance, or so long as the modification does not worsen an existing legally nonconforming situation.

(2) Lots with Structures

- (a) A structure built on a lot prior to enactment of this Ordinance, which lot does not conform to lot size or lot frontage, may be repaired, maintained or improved, and may be modified in conformity with Section 4 of this Article. If the proposed modification of the structure(s) cannot meet the applicable space and bulk requirements, a variance shall be required from the Zoning Board of Appeals.
- (b) If two or more contiguous lots or parcels have the same ownership at the time of adoption or amendment of this Ordinance, if all or part of the lots do not meet the applicable space and bulk requirements, and if a principal use exists on each lot, or if the lots were legally, separately created and an approved subdivision plan for those lots was recorded in the Knox County Registry of Deeds after September 22, 1971, the nonconforming lots may be conveyed separately or together, providing all other State law, including the State Minimum Lot Size Law (12 M.R.S.A. § 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules, and local Ordinance requirements are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance, as determined by the Zoning Board of Appeals. *(Amended – 11/2/10)*

- (c) An inn located on a lot that is less than two acres in the Traditional Village District, shall not add sleeping rooms offered for rent beyond those legally existing as of the date of enactment of this ordinance, nor shall it be used more intensely with respect to functions, services, or similar activities otherwise allowed in inns beyond those being routinely and legally offered as of the date of enactment of this ordinance. *(Amended – 11/15/05)*
- (d) The residential use of a dwelling unit that is discontinued for a period of 24 consecutive months, may not be resumed on a lot that is nonconforming, because the lot does not meet the lot area per dwelling unit requirement for the District in which it is located.

Section 3. Nonconforming Uses

(1) Continuance

- (a) The use of land, building or structure, lawful at the time of adoption of this Ordinance, or of subsequent amendments of this Ordinance, may continue although such use does not conform to the provisions of this Ordinance, except as provided in paragraph 2, Discontinuance, below.

(2) Discontinuance

- (a) A nonconforming use which is discontinued for a period of 24 consecutive months may not be resumed. The uses of the land, building or structure shall thereafter conform to the provisions of this Ordinance, except for legally existing space and bulk nonconformities, which may continue. *(Amended – 11/15/05)*
- (b) In the shoreland zone, a nonconforming use which is discontinued for a period of 12 consecutive months may not be resumed, except that the Zoning Board of Appeals, for good cause shown by the applicant, may grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding (5) year period. *(Added 11/10/09)*
- (c) Whenever a nonconforming use is changed to a permitted use, such structure and/or land shall thereafter conform to the provisions of this Ordinance, and the nonconforming use may not thereafter be resumed.

(3) Expansions

A nonconforming use, including a nonconforming outdoor use of land, shall not be extended or expanded in building area or building volume, expanse of area of use, or hours of operation except as defined below. *(Amended 11/6/12)*

- (a) Within the Shoreland Zone, nonconforming residential uses may be expanded within existing residential structures or within expansions of such structures as allowed in Section 4. *(Added 11/10/09)*
- (b) In the RP, RR, B-H, B-R, B-TH, & B-TR districts no expansion of a nonconforming use is allowed. *(Added 11/6/12)*
- (c) In the RU-1, RU-2, B-3, V, VE, and CR districts which are more residential in character but contain some commercial uses, existing nonconforming uses not in the shoreland zone, may be expanded by up to 30% in volume and area of use as existed on November 4, 1992, following Zoning Board of Appeals determination that there will be no greater physical or visual adverse impact on the subject and adjacent properties and resources.

In determining there is no greater adverse impact, the decision is to be based on adverse impacts such as changes to traffic (volume and type), noise, and dust. The Zoning Board of Appeals may place additional requirements to the project design to offset current and possible impacts of the nonconforming use and such requirements will become part of the approval once accepted by the applicant.

As part of the approval of expansion, no additional non-conformity shall be allowed to be created on the property and all district standards and applicable Site Plan Review standards must be met. *(Added 11/6/12)*

- (d) In the B-1, B-2, & B-4, districts which are more commercial in character and contain more business uses, existing nonconforming uses not in the shoreland zone, may be expanded by up to the extent allowed by the district regulations following Zoning Board of Appeals determination that there will be no greater adverse physical or visual impact on the subject and adjacent properties and resources.

In determining there is no greater adverse impact, the decision is to be based on adverse impacts such as changes to traffic (volume and type), noise, and dust. The Zoning Board of Appeals may place additional requirements to the project design to offset current and possible impacts of the nonconforming use and such requirements will become part of the approval once accepted by the applicant.

As part of the approval of expansion, no additional non-conformity shall be allowed to be created on the property and all district standards and applicable Site Plan Review standards must be met. *(Added 11/6/12)*

(4) Changes of Uses

Upon approval of the Zoning Board of Appeals, a nonconforming use may be changed such that it is less nonconforming or no more nonconforming than the lawfully existing situation. In making its determination that the use is less nonconforming or no more nonconforming than the lawfully existing situation, the Zoning Board of Appeals shall apply the standards of Article VII, Section 4, (3), Standards for Special Exception Permit. For structures located within a shoreland setback, the Zoning Board of Appeals shall also apply the standards of Article VI, Section 6, (6). *(New last sentence – 11/15/05 and Amended 06/14/16))*

Section 4. Nonconforming Structures

Maintenance, Modification, Replacement and Reconstruction

- (1) Except as set forth in (d) of this section, a structure lawfully in existence as of the effective date of this amendment, that does not meet the height, yard, or setback restriction of Article VIII, may be repaired, maintained, improved, or replaced, as set forth in this section. It may be modified and/or accessory structures may be added to the site without a variance, provided that:
 - (a) The resulting structure or structures do not exceed the height restrictions of the district in which the structure or structures are located.

- (b) The resulting structure or structures do not exceed the prescribed maximum ground coverage and maximum building coverage, or, in the case of an existing structure which does exceed the prescribed maximum ground coverage or maximum building coverage, the resulting structure or structures do not exceed the existing ground coverage and the existing building coverage.
 - (c) There is no increase in the non-conformity, except that a lawfully non-conforming structure may be expanded in volume and ground floor area by no more than thirty percent (30%) of the volume and ground floor area of that portion of the structure that was lawfully non-conforming as of the date of this amendment of the Ordinance, and provided that the resulting structure or accessory structure is no closer to the front, side, or rear lot line with respect to which the non-conformity exists, unless the resulting structure is allowed to be closer in accordance with the provisions of Article X, Part 1, Section 1 (9) (j) of this Ordinance.
 - (d) No structure which is less than the required setback from the normal high water line of a water body or the upland edge of a wetland shall be expanded further toward the water body or wetland than the part of the lawfully existing non-conforming structure closest to the water body or wetland and such structure shall further conform with the requirements of Article VI, Section 6, if applicable, and Article X, Part 1, Section 1 (9) (j) of the Ordinance.
- (2) Any nonconforming building or structure which is lawfully in existence as of the effective date of this Ordinance, and which is hereafter damaged or destroyed by fire, storm, or any other cause which is beyond the control of the owner of that building or structure, may be repaired, maintained, improved, or replaced within twenty-four (24) months of said damage or destruction in conformity with the above requirements in this section.

Section 5. Transfer of Ownership

Ownership of nonconforming lots, structures, and/or uses as defined in this Ordinance may be transferred without loss of their lawful but nonconforming status.

Section 6. Changes in Nonconforming Structures in Shoreland Areas

Within shoreland setbacks, a nonconforming structure may be modified under the following circumstances.

(1) Expansions

All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Article X, Part I, Section 1, (9). A nonconforming structure may be added to or expanded

after obtaining a permit from the Code Enforcement Officer if such addition or expansion does not increase the nonconformity of the structure and is in accordance with subparagraphs (a) and (b) below.

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

(b) Notwithstanding paragraph (a), above if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Article VI, Section 6 (1) above.

- (i) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.

(c) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Article VI, Section 6, (1) (a), above.

- (i) For structures located less than 75 feet from the normal high water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be greater than 20 feet or the height of the existing structure, whichever is greater.
- (ii) For structures less than 100 feet from the normal high water line of a great pond classified as a GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structures may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Article VI, Section 6, (1), (b), (i) and Article VI, Section 6, (1), (c), (i), above.

(iii) In addition to the limitation in subparagraphs (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 feet or 30% larger than the footprint that existed at the time the Resources Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures, located less than 75 feet from the normal high water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Article VI, Section 6 (1), (b), (i) and Article VI, Section 6, (1), (c), (i) above.

(d) An approved plan for expansion of a nonconforming structure must be recorded by the application with the Registry of Deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.

(e) Upon satisfaction of all criteria and applicable Zoning Ordinance requirements, the CEO shall issue the permit two weeks after mailing notices by first class prepaid U.S. postage to the last known mailing address of all abutters.

(2) Foundations

Whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Zoning Board of Appeals, or its designee, basing its decision on the criteria specified in the Section 12(C) (3) Relocation below.

(3) Relocation

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

(b) In determining whether the building relocation meets the setback to the greatest practical extent, the Zoning Board of Appeals shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils

suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Zoning Board of Appeals shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Article X, Part I, Section 1 (17). In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

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

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

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

(4) Reconstruction or Replacement

Any nonconforming structure which is located less than the required setback from a water body, tributary stream or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Zoning Board of Appeals in accordance with the requirements of subsection 2(b) herein. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 6, (1) above, as determined by the nonconforming footprint of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 6, (23) above.

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

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent, the Zoning Board of Appeals shall consider, in addition to the criteria in paragraph 2 above, the physical condition and type of foundation present, if any.

(5) Changes After Approval

The Code Enforcement Officer may approve minor field changes after approvals are granted by the Zoning Board of Appeals under this section, provided the change does not expand the footprint.

(6) Change of Use of a Nonconforming Structure

In addition to the requirements of Article VI, Section 3, (4) the use of a nonconforming structure may not be changed to another use unless the Zoning Board of Appeals, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Zoning Board of Appeals shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water dependent uses. *(Entire section amended 6/20/06 and amended 06/14/16)*

Section 7. Nonconforming Ground Coverage

Development consisting of structures, parking lots and other non-vegetated surfaces, which has a nonconforming ground coverage of development may be repaired, maintained, improved, and buildings and/or accessory structures added to the site and enlarged, without a variance for ground coverage, and the location of parking lots and other non-vegetated surfaces within the site may be relocated to other areas within the site or reconfigured, subject to the condition that the total area of all such structures, parking lots and other non-vegetated surfaces does not exceed the total area of the nonconforming ground coverage which was in lawful existence at the time that this Ordinance or subsequent amendment took effect.

Section 8. Unlawful Uses, Structures, or Lots

No provision of this Article VI shall be construed to cause an unlawful use, structure, or lot which exists unlawfully as of the date of enactment of this Ordinance to be considered lawful or allowable under the provisions of this Ordinance.

Article VII Zoning Board of Appeals

Section 1. Appointment and Composition

- (1) There shall be a Zoning Board of Appeals in accordance with the provisions of 30-A M.R.S.A. Section 4353, as the same may be amended from time to time.
- (2) The Board shall consist of five members serving staggered terms of three years, appointed by the Board of Selectmen. The Board of Selectmen may also appoint three (3) alternate members to serve in the absence of regular members. Any alternate members appointed to the Zoning Board of Appeals shall serve one-year terms. During the absence of a regular member at any meeting, the Chairman of the Zoning Board of Appeals shall designate the alternate member who shall serve during the absence of the absent regular member.
- (3) Once a member of the Zoning Board of Appeals has been sworn into office, he or she shall continue in that office for the remainder of his or her term without having to renew said oath of office annually.

Section 2. Procedures

- (1) The Zoning Board of Appeals shall conduct its meetings in accordance with the provisions of 30-A M.R.S.A. § 4353, as the same may be amended from time to time.
- (2) The presence of three voting members of the Zoning Board of Appeals shall constitute a quorum.
- (3) An appeal or any application for action by the Zoning Board of Appeals shall be granted or a decision of the Code Enforcement Officer can be overruled only upon an affirmative vote of at least three members of the Zoning Board of Appeals on each finding of fact and the final disposition. (*Amended – 11/15/05*)
- (4) Before rendering a decision on any appeal, the Zoning Board of Appeals shall conduct a public hearing, which shall be advertised ten days in advance in a local newspaper and posted in other places usually used for public notices, at the expense of the appellant.
- (5) The Zoning Board of Appeals shall not continue hearings to a future date except for good cause.
- (6) Written notice of the decision of the Board shall be sent to the applicant and the Code Enforcement Officer within seven days of its decision.

- (7) An appeal may be taken from any decision of the Zoning Board of Appeals to the Superior Court within 45 days after the decision, as provided by 30-A M.R.S.A., § 4353, as the same may be amended from time to time.
- (8) The Zoning Board of Appeals shall keep records of its proceedings and such records shall be public.

Section 3. Powers and Duties

The Zoning Board of Appeals shall have the following powers and duties:

(1) Administrative Appeals

To affirm, modify or set aside the action of the Code Enforcement Officer in issuing or denying building or use permits, sign permits, or Certificates of Occupancy when it is alleged that the action is based on an erroneous interpretation of this Ordinance. *(Amended 06/12/12)*

(2) Special Exception Permits

To approve, approve with conditions, or disapprove applications for special exception permits, according to the terms of Section 4 of this Article.

(3) Variances

To approve, approve with conditions, or disapprove variances from the strict enforcement of the provisions of this Ordinance only as they relate to the space and bulk standards of the district regulations or a performance standard contained in Article X, according to the terms of Section 5 of this Article.

(4) Changes in Nonconforming Uses; or Lots, Structures, and Uses in Shoreland Areas

To approve, approve with conditions, or disapprove requests to:

- (a) change a nonconforming use such that it is less nonconforming or no more nonconforming than the lawfully existing situation, as authorized in Article VI, Section 3;
- (b) divide a single lot of record that has two or more principal uses or structures, as authorized in Article VI, Section 2, (2), (b);
- (c) relocate a nonconforming structure that is located within the shoreland setback area, as authorized in Article VI, Section 6, (2);
- (d) reconstruct or replace a nonconforming structure located within the shoreland setback area, as authorized in Article VI, Section 6, (3)

(5) Standards of Home Occupation

To approve, approve with conditions, or disapprove requests to exceed the specific standards concerning home occupations concerning the number of employees, traffic

generated, and percentage of floor area set forth in Article X, Part II, Section 7 of the Zoning Ordinance, in accordance with the Standards of Article VII, Section 6 of this Zoning Ordinance.

(6) Off-Street Parking

To grant waivers of the off-street parking requirements in the Downtown, River Business, Transitional River Business, and Harbor Business Districts in accordance with Article X, Part II, Section 4(2)(c)(4)(iii) and Article X, Part II, Section 2(c)(5).

(7) Stop Work Orders, Revocation of Permits, and Other Similar Notices

To affirm, modify or set aside the action of the Code Enforcement Officer in issuing "stop work" orders, revocation of permits, notices of violations of this Ordinance, and other similar actions, when it is alleged that such action is based upon an error of the Code Enforcement Officer, in concluding that there has been a violation of the Zoning Ordinance by any person, noncompliance with building permits or other sufficient cause under the Zoning Ordinance.

(8) To decide an appeal of a site plan decision of the Planning Board concerning errors of law, according to the terms of Article XII, Section 2(8).

(9) To decide an appeal of a decision of the Code Enforcement Officer or the Planning Board, as an administrative appeal, from a decision pursuant to the Wireless Telecommunications Facility Siting Ordinance, when it is alleged that the decision is based on an erroneous interpretation of that Ordinance. The review of the Zoning Board of Appeals shall be based exclusively on the record before the Planning Board. An appeal of a decision of the Code Enforcement Officer shall be *de novo* (requiring an evidentiary hearing).

Section 4. Special Exception Permits

(1) Purpose and Applicability

The purpose of this Section is to enable the Zoning Board of Appeals to review certain proposed uses of the land that have the potential of creating unusual or undue impacts on surrounding properties, municipal facilities, or the natural environment. A building, structure, or parcel of land may be used for a special exception use if the use is specifically listed in the regulations governing the zoning district in which the use is proposed, and if a special exception permit is approved by the Zoning Board of Appeals.

(2) Application for Special Exception Permit

Application for a special exception permit shall be made to the Code Enforcement Officer on forms provided for the purposes accompanied by such fee as the Board of Selectmen shall set on an annual basis for such applications. The applicant shall:

- (a) Clearly specify the location of the proposed use, including street address, Assessor's tax map and lot number, and a location map.
- (b) Describe the exact nature of the proposed use.
- (c) Submit such other materials as will enable the Zoning Board of Appeals to determine that the standards for approval of a special exception permit have been met. The burden of providing the information upon which the Board bases its findings and of proving conformity with the standards shall be the applicant's.

(3) Standards for a Special Exception Permit

A special exception may be granted by the Zoning Board of Appeals only in the event that the applicant has established to the satisfaction of the Board that:

- (a) Neither the proposed use nor the proposed site upon which the use will be located is of such a character that the use will have significant adverse impact upon the value or quiet possession of surrounding properties greater than would normally occur from such a use in the zoning district. In reaching a determination on this standard, the Board shall consider:
 - (i) the size of the proposed use compared with surrounding uses;
 - (ii) the intensity of the proposed use, including amount and type of traffic to be generated, hours of operation, expanse of pavement, and similar measures of intensity of use, compared with surrounding uses;
 - (iii) the potential generation of noise, dust, odor, vibration, glare, smoke, litter, and other nuisances;
 - (iv) unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which tend to aggravate adverse impacts upon surrounding properties; and
 - (v) the degree to which landscaping, fencing, and other design elements have been incorporated to mitigate impacts on surrounding properties.
- (b) Municipal facilities serving the proposed use will not be overburdened. In reaching a determination on this standard the Board shall consider:
 - (i) the ability of traffic to safely move into and out of the site at the proposed location;
 - (ii) the presence of facilities to assure the safety of pedestrians passing by the site;

- (iii) the capacity of the street network to accommodate the proposed use;
 - (iv) the capacity of public sewerage and water facilities, if they are to be used, to accommodate the proposed use; and
 - (v) the capacity of the public storm drainage system, if it is to be used, to accommodate the proposed use.
- (c) The natural characteristics of the site, including topography, drainage, and relationship to ground and surface waters and flood plains, shall not be such that the proposed use when placed on the site will cause undue harm to the environment or to neighboring properties.
- (d) Undisclosed Future Uses:

In an application for a special exception requiring renovation or enlargement of an existing building or new construction, the applicant shall not be required to name specifically all the uses on the lot if they are not known at the time of renovation, enlargement or new construction. Instead, the applicant shall state on his application all the specific uses that are anticipated for the lot. For the area on the lot for which the use is not then known, the applicant shall designate those areas as "undisclosed future uses". The applicant must designate on the application at least one known special exception use. The Zoning Board of Appeals may grant special exceptions for the known specific uses and the project may proceed to site review, if required, and a building permit may be issued after site plan review, with the condition that any required special exceptions for the undisclosed future uses will be obtained when the uses are determined. The lot shall not be used for the undisclosed future uses which require a special exception until the required special exception is obtained.

- (e) In considering the foregoing standards the Zoning Board of Appeals shall fully review these standards even though the applicant may also be subject to site plan approval.
- (4) Additional Standards in Shoreland Areas

For special exception permit applications in shoreland areas, the Board shall additionally find that the proposed use:

- (a) will not result in unreasonable damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
- (b) will reasonably conserve shoreland vegetation;

- (c) will reasonably conserve visual points of access to waters as viewed from public facilities;
- (d) will reasonably conserve actual points of public access to waters;
- (e) will reasonably conserve natural beauty;
- (f) will reasonably avoid problems associated with flood plain development or use;
- (g) Access from shore shall be developed on soils appropriate for such use and constructed so as to reasonably control erosion or sedimentation on both subject and surrounding properties.
- (h) The use shall not unreasonably interfere with beach areas.
- (i) The facility shall be located so as to minimize adverse effect on marine harvesting and commercial fishing.
- (j) The facility shall be located so as not to interfere with commercial or recreational boating and moorings.

(5) Conditions of Approval

The Board may attach conditions to its approval of a special exception permit. These conditions may include, but are not limited to, such requirements as:

- (a) street improvements;
- (b) access restrictions;
- (c) hours of use;
- (d) buffering and screening;
- (e) utility improvements;
- (f) performance guarantees for off-site improvements required as conditions of approval.

(6) Reapplication

If the Zoning Board of Appeals shall deny a special exception permit, a second request of a similar nature shall not be brought before the Board within two years from the date of the first request, unless in the opinion of the majority of the Board, substantial new evidence can be brought forward, or unless the Board finds that an error of law or misunderstanding of facts has been made, or unless amendment to the zoning ordinance

has changed the status, circumstances, or conditions of the matter which was brought before the Board.

(7) Duration of Special Exception Permit

- (a) Provided all conditions and standards of approval are met, a special exception permit shall be a permanent grant of permission and shall "run with the land."
- (b) A use granted by special exception may be expanded in area or function only with the granting of a new special exception by the Zoning Board of Appeals.

(8) Scope of Permit

Any permit or approval granted hereunder is subject to all elements of the final plans and specifications submitted by the applicant and to all representations, oral or written, made by or on behalf of the applicant in support of the application or with respect to the nature and scope of the use, activity or work proposed, and all such permits or approvals shall include, as an express condition, a written statement to said effect.

(9) Special Criteria for Low Impact Uses

A low impact use, as defined in this Ordinance, shall:

- (a) Be located within a building that also includes one or more dwelling units;
- (b) Occupy no more than 2,000 square feet of total floor area;
- (c) Not cause an existing building, whether or not actually occupied by a dwelling unit, to be demolished for the purpose of creating a low impact use;
- (d) Generate no more than a daily average of 20 vehicular trip ends on week days, based on a data contained in the latest edition of "Trip Generation," published by the Institute of Traffic Engineers, or, if the Code Enforcement Officer is unable to classify the proposed activity into one of the uses listed in this reference work, based on the written opinion of a professional traffic engineer;
- (e) Have no more than one curb cut, which shall have a maximum width of 20 feet;
- (f) Require, in addition to the required number of spaces for the dwelling unit(s), no more than five parking spaces, based on the requirements of Article X, Part II, Section 4 or, if the type of use cannot be classified as one of the uses listed in Section 4, based on the average rates per 1,000 square feet of building area for peak parking spaces occupied as identified in the latest edition of "Parking Generation," published by the Institute of Transportation Engineers;

- (g) Locate any on-site parking to the rear or side of the building, with no such parking between the building and any street or in the lot's required front yard;
- (h) Maintain a vegetated buffer between its on-site parking lot and adjacent properties in compliance with Article X, Part II, Section 3, Screening and Landscaping.
- (i) Not generate hourly sound levels resulting from routine operations in excess of 60 dBA as measured at the property line;
- (j) Not be open for business before 7 a.m. or after 8 p.m.;
- (k) Comply with the sign regulations of Article XI of this Ordinance relating to residential districts;
- (l) Neither make nor receive shipments in trucks more than 5 times a week;
- (m) Store materials or display or sell goods only within a fully enclosed building;
- (n) If new construction is involved, achieve a residential appearance, including a roof pitch of at least six in 12 (or 50 percent) and the use of exterior materials typical of residences in the area.

Section 5. Variances

(1) Purpose and Applicability

The purpose of a variance is to allow an applicant to exceed a space and bulk standard or a performance standard under the very limited circumstances set forth in this Section. A variance is authorized only for the space and bulk standards of the district regulations and for the performance standards of this Ordinance. A variance shall not be granted to allow a use or an expansion of a use not otherwise permitted in the district.

(2) Application for Variance

Application for a variance shall be made to the Code Enforcement Officer on forms provided for that purpose, accompanied by a fee as the Board of Selectmen shall set on an annual basis for such applications. The application shall clearly state the location of the property, the relief sought, and the reason(s) for requesting the variance.

(3) Standards

Prior to voting to grant a variance, the Zoning Board of Appeals shall review the application and find that the following standards have been met:

- (a) That a literal interpretation of the requirement of this Ordinance will impose an undue hardship on the property owner. The term "undue hardship" shall mean specifically that:
 - (i) the land in question cannot yield a reasonable return unless a variance is granted;
 - (ii) the need for the variance is due to unique circumstances of the property and not to the general conditions of the neighborhood;
 - (iii) the hardship is not the result of action taken by the applicant or a prior owner; and
 - (iv) the granting of the variance will not alter the essential character of the locality.
- (b) Notwithstanding the requirement set forth in subparagraph (a)(i) above, that the applicant show that the land in question cannot yield a reasonable return unless a variance is granted, the Zoning Board of Appeals may grant a variance for setbacks for single family detached dwellings if it finds that the application meets the standards contained in subparagraphs (a)(ii) through (a)(iv) and in addition finds that:
 - (i) the granting of the variance will not substantially reduce or impair the use of abutting property;
 - (ii) the granting of the variance is based upon demonstrated need, not convenience, and no other feasible alternative is available;
 - (iii) the dwelling for which the variance is sought is the primary, year-round residence of the applicant;
 - (iv) the variance will not exceed 20 percent of the required setback; and
 - (v) the variance will not cause the area of the dwelling to exceed the maximum permissible building coverage.
- (c) The Board may grant a variance without making a finding of undue hardship to a property owner for the purpose of making the property accessible to a person with a disability who is living on the property. Any such variance granted shall be restricted solely to the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability. For the purposes of this paragraph, a disability has the same meaning as a physical or mental handicap under M.R.S.A. Title 5, Section 4553, namely, any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental

conditions or illness, and includes the physical or mental condition of a person that constitutes a substantial disability as determined by a physician or, in the case of mental disability, by a psychiatrist or psychologist, as well as any other health or sensory impairment that requires special education, vocational rehabilitation, or related services.

- (d) Any variance granted by the Zoning Board of Appeals shall be the minimum variance from the terms of the Ordinance that will relieve the hardship pleaded.

(4) Variance in Shoreland Areas

Prior to voting to grant a variance within the mandated shoreland area, the Zoning Board of Appeals shall, in addition, find that the proposed variance:

- (a) will not result in unsafe or unhealthful conditions;
- (b) will not result in unreasonable erosion or sedimentation;
- (c) will not result in water pollution;
- (d) will not result in unreasonably damaged spawning grounds, fish, aquatic life, bird and other wildlife habitat;
- (e) will reasonably conserve shoreland vegetation;
- (f) will reasonably conserve visual points of access to waters as viewed from public facilities;
- (g) will reasonably conserve actual points of public access to waters;
- (h) will reasonably conserve natural beauty; and
- (i) will reasonably avoid problems associated with flood plain development and use.

(5) Conditions of Approval

The Zoning Board of Appeals is empowered to impose such conditions on its approval of a variance as are necessary in its judgment, to protect surrounding property owners or the Town from adverse impacts resulting from the variance.

(6) Recording of Variance

If the Zoning Board of Appeals grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting,

shall be prepared by the applicant in recordable form. This certificate must be recorded by the applicant at the applicant's expense in the Knox County Registry of Deeds within 90 days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided herein.

(7) Reapplication

If the Zoning Board of Appeals shall deny a variance, a second request of a similar nature shall not be brought before the Board within two years from the date of the first request, unless in the opinion of the majority of the Board substantial new evidence can be brought forward, or unless the Board finds that an error of law or misunderstanding of facts has been made, or unless amendment has been made to the Zoning Ordinance which changes the status, circumstances, or conditions of the matter which was appealed.

(8) Duration of Variance

Provided all conditions and standards of approval are met, a variance shall be a permanent grant of permission and shall "run with the land."

Section 6. Standards for Request to Exceed Standards Set Forth in Article VII, Section 3(5) of the Zoning Ordinance

A request to exceed the standards of a home occupation that concerns the number of employees, traffic generated, and percentage of floor area shall be granted only in the event that the applicant has established to the satisfaction of the Zoning Board of Appeals that:

- (a) The home occupation is located wholly within structures existing as of March 12, 1985; and,
- (b) The standards of Article VII, Section 4(3) Special Exceptions, have been met.

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Article VIII District Regulations

Section 1. Natural Resource Protection District (RP)

A. Purpose

The purpose of this district is to protect fragile shorelines and other lands of unique geologic and natural features, especially those that include steep slopes, high elevations, unstable soils, wetlands, and floodplains, on which development would adversely affect water quality, disrupt productive habitat and biological ecosystems, or destroy scenic and natural values. *(Amended 11/10/09)*

B. Permitted Uses

The following uses are permitted in the Natural Resource Protection District:

The following resource protection uses:

- (1) Fire prevention activities
- (2) Harvesting of wild crops
- (3) Hunting and fishing, in accordance with state and local regulations
- (4) Non-intensive recreation not requiring structures
- (5) Resource management activities, excluding timber harvesting and land management roads *(Amended 11/10/09)*

The following utility uses:

- (6) Essential services, but only to serve a permitted use in the Natural Resource Protection District, except where it is demonstrated that no reasonable alternative exists

C. Uses Permitted as Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this Ordinance:

The following resource production uses:

- (1) Agriculture
- (2) Timber harvesting and land management roads *(Amended 11/10/09)*

The following utility uses:

- (3) Public utilities
- (4) Road construction

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

(1) The standards of performance of Article X, Parts I and II, shall be observed.

Section 2. Rural 1 District (RU-1)

A. Purpose

The Rural 1 District includes lands with multiple natural resource constraints; and/or that are especially important for their recreational, scenic, or other resource-based opportunities, including farming and woodlands; and/or that are especially important for long-term protection of water quality. The purpose of this district is to allow a level of development and activity consistent with the protection of the natural features of these lands.

B. Permitted Uses

The following uses are permitted in the Rural 1 District:

The following resource protection uses:

- (1) Uses listed in Section 1 of this Article, Natural Resource Protection District, paragraph B

The following resource production uses:

- (2) Agriculture
- (3) Timber harvesting

The following residential uses:

- (4) Single family dwellings
- (5) Open space residential developments that meet the standards of Article IX
- (6) Cottages

The following municipal and institutional uses:

- (7) Family cemeteries, as defined by state law (13 M.R.S.A. §1142), covering no more than one-quarter of an acre of land, a description of which is recorded with the Town Clerk or with the Knox County Registry of Deeds

The following commercial uses:

- (8) Outdoor storage of boats, provided the screening standards of Article X, Part II, Section 3(5) are met.
- (9) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance.

The following water-dependent uses:

- (10) Municipal boat ramps and municipal piers

The following utility uses:

- (11) Essential services
- (12) Road construction
- (13) A wireless telecommunications facility, located in this district east of Camden Hills State Park, approved by the Code Enforcement Officer or the Planning Board in accordance with the Wireless Telecommunications Facility Siting Ordinance of the Town of Camden.

The following accessory activities:

- (14) Accessory uses
- (15) Home occupations
- (16) Homestay

C. Uses Permitted as Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this Ordinance:

The following resource production uses:

- (1) Extraction of mineral resources
- (2) Clear cutting

The following municipal and institutional uses:

- (3) Municipal uses
- (4) Quasi-public facilities, provided no structures are involved

The following industrial uses:

- (5) Agricultural products processing plants, except in shoreland areas

The following utility uses:

- (6) Public utilities

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) The standards of performance of Article X, Parts I and II, shall be observed.
- (2) The following space and bulk standards shall apply:
 - a. Lots that are part of residential subdivisions approved by the Planning Board after the date of adoption of this Ordinance shall comply with the terms of Article IX, Open Space Zoning, except that subdivisions for which completed applications have been submitted to the Planning Board prior to the date of adoption of this Ordinance shall be subject to the regulations in effect at the time of their submission.
 - b. For all other lots, the following space and bulk standards shall apply:

MINIMUM LOT AREA	
Residential	60,000 sq. ft.
Nonresidential	60,000 sq. ft.
MINIMUM LOT AREA PER DWELLING UNIT	60,000 sq. ft.
MINIMUM STREET FRONTAGE	
Residential	150 feet
Nonresidential	150 feet
MINIMUM SETBACKS	
Residential and Nonresidential	
Front	25 feet
Side	15 feet
Back	15 feet
Normal high water mark	See Article X, Part I, Section 1(9)(j)
Side and back yard for nonresidential use abutting a residential use	25 feet
MAXIMUM BUILDING COVERAGE	10%
MAXIMUM GROUND COVERAGE, SHORELAND AREA	20%
MAXIMUM BUILDING OR STRUCTURE HEIGHT	
Residential	30 feet
Nonresidential	40 feet
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	30 feet

- (3) Screening
Nonresidential uses abutting a residential use or a district other than a business or industrial district shall provide screening in accordance with the standards in Article X, Part II, Section 3, of this Ordinance.
- (4) Shoreland Area
Properties within shoreland areas shall comply with the additional standards set forth in Article X, Part I, Section 1, of this Ordinance.
- (5) High Elevation Areas
Notwithstanding the lists of permitted uses and uses permitted as special exceptions in this district and the space and bulk standards of this district, properties located more than 500 feet above mean sea level shall comply with the standards of Article X, Part I, Section 2, of this Ordinance.
- (6) Historic Areas
Properties within historic areas shall comply with the additional standards set forth in Article X, Part I, Section 3 of this Ordinance.

Section 3. Rural 2 District (RU-2)

A. Purpose

The Rural 2 District includes lands that are distant from the village area, and/or to which public water and sewer lines are not expected to be extended within the next ten years, and/or that have large tracts of land intact, suitable for woodland production, farming, and unbroken wildlife habitat. The purpose of this district is to allow residential development that is compatible with the character and traditional use of rural lands, including extensive areas of field and woodland, and that does not impose an undue burden on the provision of municipal services.

B. Permitted Uses

The following uses are permitted in the Rural 2 District:

The following resource protection uses:

- (1) Uses listed in Section 1 of this Article, Natural Resource Protection District, paragraph B

The following resource production uses:

- (2) Agriculture
- (3) Timber harvesting

The following residential uses:

- (4) Single family dwellings
- (5) Two-family dwellings
- (6) Open space residential developments that meet the standards of Article IX
- (7) Cottages

The following municipal and institutional uses:

- (8) Family cemeteries, as defined by state law (13 M.R.S.A. §1142), covering no more than one-quarter of an acre of land, a description of which is recorded with the Town Clerk or with the Knox County Registry of Deeds

The following commercial uses:

- (9) Outdoor storage of boats, provided the screening standards of Article X, Part II, Section 3(5) are met
- (10) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance

The following utility uses:

- (11) Essential services
- (12) Road construction
- (13) A wireless telecommunications facility, located in this district east of Camden Hills State Park, approved by the Code Enforcement Officer or the Planning Board in accordance with the Wireless Telecommunications Facility Siting Ordinance of the Town of Camden.

The following accessory activities:

- (14) Accessory uses
- (15) Home occupations
- (16) Homestay

C. Uses Permitted as Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this Ordinance:

The following resource production uses:

- (1) Extraction of mineral resources
- (2) Clear cutting

The following municipal and institutional uses:

- (3) Cemeteries
- (4) Expansion of churches legally in existence as of July 31, 1991 subject to conformity with applicable space and bulk standards and provided the building coverage does not exceed 15,000 square feet. *(New 6/20/06)*
- (5) Municipal uses
- (6) Quasi-public facilities, provided no structures are involved

The following commercial uses:

- (7) Clinics for animals

The following recreational uses:

- (8) Golf courses and other outdoor recreational facilities, including commercial outdoor recreation and the rental of non-motorized sports equipment, but excluding games and activities common to amusement parks

The following industrial uses:

- (9) Agricultural products processing plants, except in shoreland areas
- (10) Tradesman's shop provided it is less than 2,000 square feet of floor area and exterior storage is screened according to Article X, Part II, Section 3, (3).
(Amended 06/17/09)

The following utility uses:

- (11) Public utilities

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) The standards of performance of Article X, Parts I and II, shall be observed.
- (2) The following space and bulk standards shall apply:
 - a. Lots that are part of residential subdivisions approved by the Planning Board after the date of adoption of this Ordinance shall comply with the terms of Article IX, Open Space Zoning; except that subdivisions for which completed applications have been submitted to the Planning Board prior to the date of adoption of this Ordinance shall be subject to the regulations in effect at the time of their submission
 - b. For all other lots, the following space and bulk standards shall apply:

MINIMUM LOT AREA	
Residential	60,000 sq. ft.
Nonresidential	60,000 sq. ft.
MINIMUM LOT AREA PER DWELLING UNIT	60,000 sq. ft.
MINIMUM STREET FRONTAGE	
Residential	150 feet
Nonresidential	150 feet
MINIMUM SETBACKS	
Residential and Nonresidential	
Front	25 feet
Side	15 feet
Back	15 feet
Normal high water mark	See Article X, Part I, Section 1(9)(j)
Side and back yard for nonresidential use abutting a residential use	25 feet

MAXIMUM BUILDING COVERAGE	10%
MAXIMUM GROUND COVERAGE, SHORELAND AREA	20%
MAXIMUM BUILDING OR STRUCTURE HEIGHT	
Residential	30 feet
Nonresidential	40 feet
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	30 feet

- (3) Screening
Nonresidential uses abutting a residential use or a district other than a business or industrial district shall provide screening in accordance with the standards in Article X, Part II, Section 3, of this Ordinance.
- (4) Shoreland Area
Properties within shoreland areas shall comply with the additional standards set forth in Article X, Part I, Section 1, of this Ordinance.
- (5) High Elevation Areas
Notwithstanding the lists of permitted uses and uses permitted as special exceptions in this district and the space and bulk standards of this district, properties located more than 500 feet above mean sea level shall comply with the standards of Article X, Part I, Section 2, of this Ordinance.
- (6) Historic Areas
Properties within historic areas shall comply with the additional standards set forth in Article X, Part I, Section 3 of this Ordinance.

Section 4. Rural Recreation District (RR)

A. Purpose

The Rural Recreation District includes lands that are both fragile and provide unique opportunity for public, outdoor recreation. The purpose of the district is to provide for a controlled mix of activity typical of, and necessary to the successful operation of, a multiple-season recreational area open to the public.

B. Permitted Uses

The following uses are permitted in the Rural Recreation District:

The following resource protection uses:

- (1) Uses listed in Section 1 of this Article, Natural Resource Protection District, paragraph B

The following resource production uses:

- (2) Timber harvesting

The following municipal and institutional uses:

- (3) Municipal uses

The following commercial uses:

- (4) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance

The following utility uses:

- (5) Essential services

C. Uses Permitted as Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this Ordinance:

The following municipal and institutional uses:

- (1) Community buildings
- (2) Quasi-public facilities
- (3) Nursery schools and day care centers

The following commercial uses:

- (4) Campgrounds
- (5) Commercial schools
- (6) Fast food restaurants, excluding drive-through windows
- (7) Sit-down restaurants
- (8) Retail sales
- (9) Theaters
- (10) Parking Facilities

The following recreational uses:

- (11) Golf courses, ski area and lifts, toboggan chutes and other outdoor recreational facilities, including commercial outdoor recreation and the rental of non-motorized sports equipment, but excluding games and activities common to amusement parks

The following utility uses:

- (12) Public utilities
- (13) Road construction

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) The standards of performance of Article X, Parts I and II, shall be observed.
- (2) The following space and bulk standards shall apply:

MINIMUM LOT AREA	
Residential	Not permitted
Nonresidential	60,000 sq. ft.
MINIMUM LOT AREA PER DWELLING UNIT	Not applicable
MINIMUM STREET FRONTAGE	
Nonresidential	150 feet
MINIMUM SETBACKS	
Nonresidential	
Front	25 feet
Side	15 feet
Back	15 feet
Normal high water mark	See Article X, Part I, Section 1(9)(j)
Side and back yard for nonresidential use abutting a residential use	25 feet
MAXIMUM BUILDING COVERAGE	10%
MAXIMUM GROUND COVERAGE, SHORELAND AREA	20%
MAXIMUM BUILDING OR STRUCTURE HEIGHT	40 feet
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	30 feet

- (3) Screening
Nonresidential uses abutting a residential use or a district other than a business or industrial district shall provide screening in accordance with the standards in Article X, Part II, Section 3, of this Ordinance.
- (4) Shoreland Area
Properties within shoreland areas shall comply with the additional standards set forth in Article X, Part I, Section 1, of this Ordinance.
- (5) High Elevation Areas
Notwithstanding the lists of permitted uses and uses permitted as special exceptions in this district and the space and bulk standards of this district, properties located more than 500 feet above mean sea level shall comply with the standards of Article X, Part I, Section 2, of this Ordinance.
- (6) Historic Areas Properties within historic areas shall comply with the additional standards set forth in Article X, Part I, Section 3 of this Ordinance.

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Section 5. Coastal Residential District (CR)

A. Purpose

The Coastal Residential District includes lands along scenic coastal corridors north and south of the village area. The purpose of the district is to allow for a moderate level of residential and other development while assuring that these corridors retain their scenic landscapes and vistas and continue to serve as attractive gateways to Camden. The intention is that development be designed to fit into the existing character that includes rolling terrain and interspersed woods, fields, structures, and views of the water.

B. Permitted Uses

The following uses are permitted in the Coastal Residential District:

The following resource protection uses:

- (1) Uses listed in Section 1 of this Article, Natural Resource Protection District, paragraph B

The following resource production uses:

- (2) Agriculture
- (3) Timber harvesting

The following residential uses:

- (4) Single family dwellings
- (5) Two-family dwellings
- (6) Open space residential developments that meet the standards of Article IX
- (7) Cottages

The following municipal and institutional uses:

- (8) Family cemeteries, as defined by state law (13 M.R.S.A. §1142), covering no more than one-quarter of an acre of land, a description of which is recorded with the Town Clerk or with the Knox County Registry of Deeds

The following commercial uses:

- (9) Outdoor storage of boats, provided the screening standards of Article X, Part II, Section 3(5) are met and indoor storage, maintenance and construction of boats in buildings on lots of 5 or more acres in size provided that the storage facility was in existence on January 1, 2003 and is located at least 125 feet from any residential lot boundary or a public way.

(Amended – 11/11/03; 11/8/16)

- (10) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance

The following marine uses:

- (11) Municipal boat ramps and municipal piers

The following utility uses:

- (12) Essential services
- (13) Road construction

The following accessory activities:

- (14) Accessory uses
- (15) Home occupations
- (16) Homestay

C. Uses Permitted as Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this Ordinance:

The following municipal and institutional uses:

- (1) Cemeteries
- (2) Municipal uses
- (3) Quasi-public facilities, provided no structures are involved
- (4) Nursery schools and day care centers

The following recreational uses:

- (5) Golf courses

The following utility uses:

- (6) Public utilities

The following commercial uses:

- (7) Expansion of hotels or motels with ten or more rooms offered for rent legally in existence as of March 11, 1985, within a lot of record existing as of March 11, 1985, subject to conformity with applicable space and bulk standards.

The following industrial uses:

(8) Expansion of facilities used for the storage and maintenance of construction equipment and which were legally in existence as of March 11, 1985, within lots of record existing as of March 11, 1985, subject to conformity with applicable space and bulk standards.

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

(1) The standards of performance of Article X, Parts I and II, shall be observed.

(2) The following space and bulk standards shall apply:

- a. Lots that are part of residential subdivisions approved by the Planning Board after the date of adoption of this Ordinance shall comply with the terms of Article IX, Open Space Zoning; except that subdivisions for which completed applications have been submitted to the Planning Board prior to the date of adoption of this Ordinance shall be subject to the regulations in effect at the time of their submission.
- b. For all other lots, the following space and bulk standards shall apply:

	Sewer	No Sewer
MINIMUM LOT AREA		
Residential	30,000 sq.ft.	40,000 sq.ft.
Nonresidential	30,000 sq.ft.	40,000 sq.ft.
MINIMUM LOT AREA PER DWELLING UNIT	30,000 sq.ft.	40,000 sq.ft.
MINIMUM STREET FRONTAGE		
Residential	100 ft.	150 ft.
Nonresidential	100 ft.	150 ft.
MINIMUM SETBACKS		
Residential and Nonresidential		
Front	25 feet	25 feet
Side	15 feet	25 feet
Back	15 feet	25 feet
Normal high water mark	See Article X, Part 1, Section 1(9)(j)	See Article X, Part 1, Section 1(9)(j)
Side and back yard for nonresidential use abutting a residential use	25 feet	25 feet
MAXIMUM BUILDING COVERAGE	20%	20%
MAXIMUM GROUND COVERAGE, SHORELAND AREA	20%	20%
MAXIMUM BUILDING OR STRUCTURE HEIGHT		

Residential	30 feet	30 feet
Nonresidential	30 feet	30 feet
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	30 feet	30 feet

- (3) Screening
Nonresidential uses abutting a residential use or a district other than a business or industrial district shall provide screening in accordance with the standards in Article X, Part II, Section 3, of this Ordinance.
- (4) Shoreland Area
Properties within shoreland areas shall comply with the additional standards set forth in Article X, Part I, Section 1, of this Ordinance.
- (5) Historic Areas
Properties within historic areas shall comply with the additional standards set forth in Article X, Part I, Section 3 of this Ordinance.

Section 6. Village Extension District (VE)

A. Purpose

The Village Extension District lies outside of the traditional village but includes lands that have, or can reasonably be expected to receive within the next ten years, public water and sewer; can be readily provided with other municipal services; and can support a significant share of the new development anticipated in the Town during the next ten to fifteen years. The purpose of the district is to provide a range of housing opportunities and of compatible, small-scale economic opportunities. The intent is to do so within a setting that emulates the character of villages: with streets designed for safe and convenient use by both pedestrians and motor vehicles and at a scale appropriate for walkable neighborhoods; a mix of activities that serve some of the routine needs of neighborhood residents; and a sense of security and protected investments.

B. Permitted Uses

The following uses are permitted in the Village Extension District:

The following resource protection uses:

- (1) Uses listed in Section 1 of this Article, Natural Resource Protection District, Paragraph B

The following resource production uses:

- (2) Agriculture
- (3) Timber harvesting

The following residential uses:

- (4) Single family dwellings
- (5) Two-family dwellings
- (6) Open space residential developments that meet the standards of Article IX
- (7) Cottages
- (8) Mobile home parks
- (9) Accessory apartments

The following municipal and institutional uses:

- (10) Cemeteries
- (11) Churches

The following commercial uses:

- (12) Outdoor storage of boats, provided the screening standards of Article X, Part II, Section 3(5) are met
- (13) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance

The following water-dependent uses:

- (14) Municipal boat ramps and municipal piers

The following utility uses:

- (15) Essential services
- (16) Road construction

The following accessory activities:

- (17) Accessory uses
- (18) Home occupations
- (19) Homestay

A ¹ following a listed use means the use must be located wholly within structures existing as of the date of adoption of this Ordinance.

C. Uses Permitted as Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this Ordinance:

The following municipal and institutional uses:

- (1) Community buildings
- (2) Quasi-public facilities
- (3) Municipal uses
- (4) Nursery schools and day care centers
- (5) Private schools
- (6) Public schools

The following utility uses:

- (7) Public utilities

The following commercial uses:

- (8) Inns located on lots of 2 or more acres ¹
- (9) Low impact uses, as defined in this Ordinance and not otherwise allowed in this district, on lots that are located wholly or in part within 500 feet of a business or industrial district (B-1, B-2, B-3, B-H, B-R, B-TR, or I), and that meet the terms of Article VII, Section 4(9).
- (10) Parking facilities, provided there is no demolition of buildings existing as of the date of adoption of this ordinance.

The following residential uses:

- (11) Community living uses
- (12) Congregate housing served by public sewer
- (13) Nursing and convalescent homes

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) The standards of performance of Article X, Parts I and II, shall be observed.
- (2) The following space and bulk standards shall apply:

	Sewer	No Sewer
MINIMUM LOT AREA		
Residential	10,000 sq.ft.	40,000 sq.ft.
Nonresidential	10,000 sq.ft.	40,000 sq.ft.
MINIMUM LOT AREA PER DWELLING UNIT		
Single Family	10,000 sq.ft.	40,000 sq.ft.
Accessory Apartments	No increase in lot area required	No increase in lot area required
Two-Family Dwellings	7,500 sq.ft.	40,000 sq.ft.
Multi-Family Dwellings (as part of open space subdivisions)	7,500 sq.ft.	Not permitted

Table continued on next page

*Subject to E.(4) above

	Sewer	No Sewer
Congregate Housing	3,000 sq.ft.	Not permitted
MINIMUM STREET FRONTAGE		
Residential Lots created as part of subdivisions approved by the Planning Board after the date of adoption of this ordinance	50 ft., and the average for all lots in the subdivision is between 75 ft. and 90 ft.	100 feet
Other lots	75 feet	100 feet
Nonresidential	75 feet	100 feet
MINIMUM SETBACKS		
Residential		
Front	15 feet, except where the following lots with existing buildings have established a uniform setback relationship (See Definitions) to the street, any new building shall be set back from the edge of the right-of-way of the street no more than a maximum distance which is 5 feet greater than the average setback for those two adjacent lots on each side of the subject lot, and no less than a minimum distance which is 5 feet less than the average setback for those two adjacent lots on each side of the subject lot; provided however that such a building on the subject lot shall be no closer to the right-of-way of the street than the building closest to the edge of that right-of-way on those four adjacent lots. Where a uniform setback relationship exists, accessory structures or additions to existing structures shall be set no less than two feet further back than the actual setback of the principal building unless that actual setback is greater than the maximum setback.	25 feet

Table continued on next page

	Sewer	No Sewer
Side	10 feet, provided the sum of both side yards is at least 30 feet, however, any structure that has a side setback of less than 10 feet shall have a setback requirement of 15 feet on each side. <i>(Amended – 11/15/05)</i>	15 feet
Back	15 feet	15 feet
Normal high water mark	See Article X, Part I, Section 1(9)(j)	See Article X, Part I, Section 1(9)(j)
Nonresidential		
Front	Same as residential	Same as residential
Side	15 feet	15 feet
Back	15 feet	15 feet
Side and back yard for nonresidential use abutting a residential use	25 feet	25 feet
MAXIMUM BUILDING COVERAGE	25%	10%
MAXIMUM GROUND COVERAGE		
General	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking.	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking.
Shoreland Area	20%	20%
MAXIMUM BUILDING OR STRUCTURE HEIGHT		
Residential	30 feet	30 feet
Nonresidential	30 feet	30 feet
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	30 feet	30 feet

- (3) Screening
Nonresidential uses abutting a residential use or a district other than a business or industrial district shall provide screening in accordance with the standards in Article X, Part II, Section 3, of this Ordinance.
- (4) Shoreland Area
Properties within shoreland areas shall comply with the additional standards set forth in Article X, Part I, Section 1, of this Ordinance.
- (5) Historic Area
Properties within historic areas shall comply with the additional standards set forth in Article X, Part I, Section 3 of this Ordinance.

Section 7. Traditional Village District (V)

A. Purpose

The Traditional Village District encompasses the older residential neighborhoods near the center of the community, where historically a majority of the Town's population lived within walking distance of the central business district and governmental and cultural facilities. The purpose of this district is to maintain these highly livable neighborhoods, which include single family homes, small-scale multifamily structures, compatible residential-scale businesses, and a distinct village design.

B. Permitted Uses

The following uses are permitted in the Traditional Village District:

The following resource protection uses:

- (1) Uses listed in Section 1 of this Article, Natural Resource Protection District, paragraph B

The following resource production uses:

- (2) Timber harvesting

The following residential uses:

- (3) Single family dwellings
- (4) Two-family dwellings
- (5) Multifamily dwellings
- (6) Open space residential developments that meet the standards of Article IX
- (7) Accessory apartments

The following municipal and institutional uses:

- (8) Cemeteries
- (9) Churches

The following commercial uses:

- (10) Outdoor storage of boats, provided the screening standards of Article X, Part II, Section 3(5) are met
- (11) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance
- (12) Hotels or motels with more than ten (10) but fewer than fifteen (15) sleeping rooms on lots of 3.5 or more acres, provided that the sleeping rooms are in existence and used as such and are located wholly within one structure existing as

of June 8, 1993, and further provided that any restaurant facilities located therein shall prepare food and serve meals only to overnight guests of that hotel or motel.

The following water-dependent uses:

- (13) Municipal boat ramps and municipal piers

The following utility uses:

- (14) Essential services
- (15) Road construction

The following accessory activities:

- (16) Accessory uses
- (17) Home occupations
- (18) Homestay

A¹ following a listed use means the use must be located wholly within structures existing as of the date of adoption of this Ordinance.

C. Uses Permitted as Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this Ordinance:

The following residential uses:

- (1) Community living uses
- (2) Congregate housing
- (3) Nursing and convalescent homes
- (4) Rooming houses
- (5) Existing Residential dwellings that do not meet stated requirements for minimum lot area per dwelling unit, may be allowed to add additional dwelling units provided:
 - i. The structure and the lot on which it is located were in lawful existence prior to November 4, 1992
 - ii. The structure contains a minimum 5,000 sq. ft. of net floor area;
 - iii. The lot shall contain at least 4,000 square feet of lot area per dwelling unit;
 - iv. The existing structure may not be expanded or enlarged in any way, including height, nor may its existing footprint be changed to accommodate the additional unit(s); and
 - v. This special exception shall not apply to structures located in the Shoreland Zone.

The following municipal and institutional uses:

- (6) Community buildings

- (7) Municipal uses
- (8) Nursery schools and day care centers
- (9) Public schools
- (10) Quasi-public facilities

The following commercial uses:

- (11) Low impact uses, as defined in this Ordinance and not otherwise allowed in this district, on lots that are located wholly or in part within 500 feet of a business or industrial district (B-1, B-2, B-3, B-H, B-TH, B-R, B-TR or I), and that meet the terms of Article VII, Section 4(9) *(amended – 11/14/06)*
- (12) Expansion of hotels or motels with ten or more rooms offered for rent, legally in existence as of March 11, 1985, within a lot of record existing as of March 11, 1985, subject to conformity with applicable space and bulk standards
- (13) Inns on lots of 2 or more acres ¹
- (14) Funeral homes

The following utility uses:

- (15) Public utilities

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) The standards of performance of Article X, Parts I and II, shall be observed.
- (2) The following space and bulk standards shall apply:

MINIMUM LOT AREA	
Residential	10,000 sq.ft.
Nonresidential	10,000 sq.ft.
MINIMUM LOT AREA PER DWELLING UNIT	
Single Family	10,000 sq.ft.
Accessory Apartments	No increase in lot area required
Two-Family Dwellings	7,500 sq.ft.
Multifamily Dwellings	7,500 sq.ft.
Congregate Housing	3,000 sq.ft.
MINIMUM STREET FRONTAGE	
Residential	75 feet
Nonresidential	75 feet

Table continued on next page

*Subject to E.(4) below

MINIMUM SETBACKS	
Residential	
Front	15 feet, except where the following lots with existing buildings have established a uniform setback relationship (See Definitions) to the street, any new building shall be set back from the edge of the right-of-way of the street no more than a maximum distance which is 5 feet greater than the average setback for those two adjacent lots on each side of the subject lot and no less than a minimum distance which is 5 feet less than the average setback for those two adjacent lots on each side of the subject lot; provided, however, that such a building on the subject lot shall be no closer to the right-of-way of the street than the building closest to the edge of that right-of-way on those 4 adjacent lots. Where a uniform setback relationship exists, accessory structures or additions to existing structures shall be set no less than two feet further back than the actual setback of the principal building unless that actual setback is greater than the maximum setback.
Side	10 feet, provided the sum of both side yards is at least 25 feet, however, any structure that has an existing nonconforming side setback shall have a setback requirement of 15 feet on each side. <i>(Amended – 11/15/05)</i>
Back	15 feet
Normal high water mark	See Article X, Part I, Section 1(9)(j)
Nonresidential	
Front	Same as residential
Side	15 feet
Back	15 feet
Normal high water mark	See Article X, Part I, Section 1(9)(j)
Side and back yard for nonresidential use abutting a residential use	25 feet

Table continued on next page

MAXIMUM BUILDING COVERAGE	25%
MAXIMUM GROUND COVERAGE	
General	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking.
Shoreland Area	20%
MAXIMUM BUILDING OR STRUCTURE HEIGHT	
Residential	30 feet
Nonresidential	30 feet
Lots on which public schools existed as of 2017	38 feet
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	30 feet

- (3) Screening
Nonresidential uses abutting a residential use or a district other than a business or industrial district shall provide screening in accordance with the standards in Article X, Part II, Section 3, of this Ordinance.
- (4) Shoreland Area
Properties within shoreland areas shall comply with the additional standards set forth in Article X, Part I, Section 1, of this Ordinance.
- (5) Historic Areas
Properties within historic areas shall comply with the additional standards set forth in Article X, Part I, Section 3 of this Ordinance.

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Section 8. Downtown Business District (B-1)

A. Purpose

The purpose of the Downtown Business District is to provide for a compact, pedestrian oriented, year-round business center with a focus on small scale specialty and comparison shopping and services compatible with the existing scale and character of Downtown Camden.

B. Permitted Uses

The following uses are permitted in the Downtown Business District:

The following resource protection uses:

- (1) Uses listed in Section 1 of this Article, Natural Resource Protection District, paragraph B

The following residential uses:

- (2) Single family dwellings, except no residential use and no use accessory to a residential use (including but not limited to parking and storage), except a home occupation shall occur on a floor at street level†*
- (3) Two-family dwellings, except no residential use and no use accessory to a residential use (including but not limited to parking and storage), except a home occupation shall occur on a floor at street level†*
- (4) Multifamily dwellings, except no residential use and no use accessory to a residential use (including but not limited to parking, storage or other facilities operated principally for the benefit of residents of the dwellings) shall occur on a floor at street level*
- (5) Congregate housing, except no elements of a “congregate housing” facility as defined shall occur on a floor at street level.*

†The restriction on residential use on a floor at street level shall not apply to structures in the Chestnut Street Historic District.

*Access to the use may be permitted from street level so long as the width of overall area of such access does not exceed the minimum state or federal access requirements.

The following municipal and institutional uses:

- (6) Churches
- (7) Community buildings
- (8) Municipal uses
- (9) Nursery schools and day care centers
- (10) Private schools
- (11) Public schools

(12) Quasi-public facilities

The following commercial uses:

- (13) Boat and marine sales and service, provided there is no exterior storage or display
- (14) Commercial schools
- (15) Fast food restaurants containing no more than 20 seats, provided there shall be no drive-through windows
- (16) Financial services, provided there shall be no drive-through windows
- (17) Funeral homes
- (18) Hair salons
- (19) Hotels and motels
- (20) Inns
- (21) Personal services
- (22) Publishing of newspapers, magazines, and books, excluding printing plants
- (23) Retail sales and rental of goods and equipment, excluding gas stations, exterior display and storage of motor vehicles and similar outdoor sales establishments that tend to detract from or interfere with a high intensity of pedestrian activity
- (24) Sit-down restaurants
- (25) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance
- (26) Theaters and entertainment, excluding games and activities common to amusement parks
- (27) Low impact uses, as defined in this Ordinance and not otherwise allowed in this district and that meet the terms of Article VII, Section 4(9)
- (28) Technical services
- (29) Function Hall *(Added 06/17/09)*
- (30) Parking Facilities

The following professional services:

- (31) Professional offices
- (32) Health service facilities, excluding hospitals and other overnight facilities

The following water-dependent uses:

- (33) Municipal boat ramps and municipal piers

The following industrial uses:

- (34) Tradesmen's shops that include the retailing of items produced on the premises

The following utility uses:

- (35) Essential services
- (36) Public utilities

- (37) Road construction

The following accessory activities:

- (38) Accessory uses, except where otherwise prohibited at street level
 (39) Home occupations
 (40) Homestay

C. Uses Permitted as Special Exceptions

- (1) Commercial Parking Garages

The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this Ordinance:

None

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) The standards of performance of Article X, Parts I and II, shall be observed.
 (2) The following space and bulk standards shall apply:

MINIMUM LOT AREA	
Residential	None
Nonresidential	None
MINIMUM LOT AREA PER DWELLING UNIT	
Single Family	None
Two-Family Dwellings	None
Multifamily Dwellings	None
Congregate Housing	None
MINIMUM STREET FRONTAGE	None
MINIMUM SETBACKS	
Front, side, and back	None
Normal high water mark	None
Side and back yard for nonresidential use abutting a residential use	15 feet
Parking lot, parking space, or parking area in shoreland areas	25 feet from the normal high water mark of a water body or from the upland edge of a wetland
MAXIMUM BUILDING COVERAGE	None
MAXIMUM GROUND COVERAGE	

General	None
Shoreland Area	None
MAXIMUM BUILDING OR STRUCTURE HEIGHT <i>(Revised 06/17/08)</i>	
General	50 feet
East side of Main and Bay View Streets	24 feet <i>(amended 6/17/08)</i>
Table continued on next page	
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	None

(3) Shoreland Area

Unless otherwise noted, properties within shoreland areas shall comply with the additional standards set forth in Article X, Part I, Section 1, of this Ordinance.

(4) Additional Space and Bulk Standards on the east side of Main and Bay View Streets

- (1) A minimum of 20% of the lot area shall be kept free of buildings and structures as a single, straight view corridor of constant width from street to harbor line. In calculating lot area, the property landward of the officially established harbor line shall be included, minus any area within existing, recorded easements upon which building is prohibited. Any fence in the view corridor shall be of open construction. Temporary structures shall not interfere with this view corridor.

- (2) No part of a building may project over the right of way at any point.

(New section added 06/17/08)

(5) Historic Areas

Properties within historic areas shall comply with the additional standards set forth in Article X, Part I, Section 3 of this Ordinance.

Section 9. Highway Business District (B-2)

A. Purpose

The purpose of the Highway Business District is to provide an area suitable for highway-oriented businesses at a moderate density.

B. Permitted Uses

The following uses are permitted in the Highway Business District:

The following resource protection uses:

- (1) Uses listed in Section 1 of this Article, Natural Resource Protection District, paragraph B

The following residential uses: *(Amended 06/17/2008)*

- (2) Single family dwellings
- (3) Two-family dwellings
- (4) Multifamily dwellings served by public sewer
- (5) Community living uses
- (6) Congregate housing served by public sewer
- (7) Nursing and convalescent homes
- (8) Accessory apartments

The following municipal and institutional uses: *(Amended 06/17/2008)*

- (9) Churches
- (10) Community buildings
- (11) Hospitals
- (12) Municipal uses
- (13) Nursery schools and day care centers
- (14) Private schools
- (15) Public schools
- (16) Quasi-public facilities

The following commercial uses: *(Amended 06/17/08)*

- (17) Auction barns
- (18) Auto repair garages
- (19) Boat and marine sales and service *(Amended 06/17/08)*
- (20) Clinics for animals
- (21) Commercial schools
- (22) Fast food restaurants, provided there shall be no drive-through windows
- (23) Financial services

- (24) Gas stations on lots abutting Route 1 *(Amended 06/17/08)*
- (25) Hair salons
- (26) Hotels and motels
- (27) Inns
- (28) Leasing, rental, and storage facilities
- (29) Motor home sales, provided there is no exterior storage or display *(Amended 06/17/08)*
- (30) Motor vehicle sales, provided there is no exterior storage or display *(Amended 06/17/08)*
- (31) Outdoor boat storage
- (32) Personal services
- (33) Publishing of newspapers, magazines, and books
- (34) Retail sales
- (35) Sit-down restaurants
- (36) Theaters and entertainment, excluding games and activities common to amusement parks
- (37) Low impact uses, as defined in this Ordinance and not otherwise allowed in this district and that meet the terms of Article VII, Section 4(9)
- (38) Technical services
- (39) Function Hall *(Added 06/17/09)*
- (40) Parking Facilities

The following professional services:

- (41) Professional offices
- (42) Health service facilities

The following recreational uses:

- (43) Golf courses and other commercial outdoor recreational facilities, excluding games and activities common to amusement parks

The following industrial uses:

- (44) Manufacturing
- (45) Printing plants
- (46) Research and development
- (47) Tradesmen's shops

The following utility uses:

- (48) Essential services
- (49) Public utilities
- (50) Road construction

The following accessory activities:

- (51) Accessory uses
- (52) Home occupations
- (53) Homestay

C. Uses Permitted as Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this Ordinance:

None

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) The standards of performance of Article X, Parts I and II, shall be observed.
- (2) The following space and bulk standards shall apply:

	Sewer	No sewer
MINIMUM LOT AREA		
Residential	10,000 sq.ft.	40,000 sq.ft.
Nonresidential	20,000 sq.ft.	20,000 sq.ft.
MINIMUM LOT AREA PER DWELLING UNIT		
Single Family	10,000 sq.ft.	40,000 sq.ft.
Accessory Apartments	No increase in lot area required	No increase in lot area required
Two-Family Dwellings	7,500 sq.ft.	40,000 sq.ft.
Multifamily Dwellings	7,500 sq.ft.	Not permitted
Congregate Housing	3,000 sq.ft.	Not permitted
MINIMUM STREET FRONTAGE		
Residential	75 feet	100 feet
Nonresidential	100 feet	100 feet

Table continued on next page

	Sewer	No sewer
MINIMUM SETBACKS		
Residential		
Front	25 feet	25 feet
Side	15 feet	15 feet
Back	15 feet	15 feet
Normal high water mark	See Article X, Part I, Section 1(9)(j)	See Article X, Part I, Section 1(9)(j)
Nonresidential		
Front	20 feet	20 feet
Side	20 feet	20 feet
Back	20 feet	20 feet
Normal high water mark	See Article X, Part I, Section 1(9)(j)	See Article X, Part I, Section 1(9)(j)
Side and back yard for nonresidential use abutting a residential district	50 feet	50 feet
MAXIMUM BUILDING COVERAGE		
Residential	25%	20%
Nonresidential	30%	30%
MAXIMUM GROUND COVERAGE, SHORELAND AREA		
General	None	None
Shoreland Area	20%	20%
MAXIMUM BUILDING OR STRUCTURE HEIGHT		
Residential	30 feet	30 feet
Nonresidential	30 feet	30 feet

- (3) Screening
Multifamily, congregate housing, and nonresidential uses abutting a residential district shall provide screening in accordance with the standards in Article X, Part II, Section 3, of this Ordinance.
- (4) Shoreland Area
Properties within shoreland areas shall comply with the additional standards set forth in Article X, Part I, Section 1, of this Ordinance.
- (5) Historic Areas
Properties within historic areas shall comply with the additional standards set forth in Article X, Part I, Section 3 of this Ordinance.

Section 10. Transitional Business District (B-3)

A. Purpose

The Transitional Business District is meant to accommodate limited business uses in areas that are located along main traffic arteries but are residential in character. The explicit purpose of this district includes the prevention of strip highway development and the preservation of the character and appearance of established residential neighborhoods.

B. Permitted Uses

The following uses are permitted in the Transitional Business District, however, if the listed use is followed by a raised 1 and circumstances stated in Article VIII, Section 10, (C) apply, a special exception is required:

The following resource protection uses:

- (1) Uses listed in Section 1 of this Article, Natural Resource Protection District, paragraph B

The following residential uses:

- (2) Single family dwellings
- (3) Two-family dwellings
- (4) Multifamily dwellings served by public sewer
- (5) Open space residential developments that meet the standards of Article IX
- (6) Community living uses
- (7) Congregate housing served by public sewer
- (8) Nursing and convalescent homes
- (9) Rooming houses
- (10) Accessory apartments

The following municipal and institutional uses:

- (11) Churches
- (12) Community buildings ¹
- (13) Hospitals
- (14) Municipal uses ¹
- (15) Nursery schools and day care centers ¹
- (16) Private schools ¹
- (17) Public schools ¹
- (18) Quasi-public facilities ¹

The following commercial uses:

- (19) Auto repair garages ¹
- (20) Commercial schools ¹
- (21) Financial services, excluding drive-through windows ¹
- (22) Funeral homes ¹
- (23) Hair salons ¹
- (24) Hotels and motels ¹
- (25) Inns ¹
- (26) Publishing of newspapers, magazines, and books, excluding printing plants ¹
- (27) Sit-down restaurants ¹
- (28) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance
- (29) Low impact uses, as defined in this Ordinance and not otherwise allowed in this district and that meet the terms of Article VII, Section 4(9) ¹
- (30) Any expansion of a retail business in existence as of June 9, 1992, within the boundaries of the lot in which such business is located as of June 9, 1992.
- (31) Function Hall *(Added 06/17/09)*
- (32) Parking facilities, provided there is no demolition of buildings existing as of December 1, 1992.

The following professional services:

- (33) Professional offices¹
- (34) Technical Services, provided that retail sales are devoted to less than 10% of the floor area of the business¹ *(added 11/11/08)*
- (35) Health service facilities ¹

The following industrial uses:

- (36) Research and development ¹
- (37) Tradesmen's shops ¹

The following utility uses:

- (38) Essential services
- (39) Public utilities
- (40) Road construction

The following accessory activities:

- (41) Accessory uses
- (42) Home occupations
- (43) Homestay

The following additional Commercial Uses are permitted only on Lots which were in existence and had no structures as of June 8, 1993 and were also in the B-3 District prior to June 8, 1993:

- (44) Retail Sales, if either of the following criteria, a or b, is met:
 - a. The cumulative floor space devoted to retail sales on the lot is limited to 50% of the total floor space of the structures on the lot, or
 - b. The maximum building coverage on the lot is 20% or less.
- (45) Rental of goods and equipment, provided there is no outdoor storage or display of such goods or equipment. Floor space devoted to rentals shall not be considered as being devoted to retail sales on the lot as set forth in Article VIII, Section 10.B (41), above, in determining the cumulative floor space devoted to retail sales on the lot.
- (46) Personal services

A¹ following a listed use in the B-3 District means the use must be located wholly within structures existing as of November 4, 1992 or wholly within structures constructed or to be constructed upon lots which were in existence and had no structures as of June 8, 1993 or permitted as a special exception under the circumstances set forth in C.

C. Uses Permitted as Special Exceptions

The permitted uses listed for the Transitional Business District (B-3) which are designated by a raised 1 following the listed use shall be allowed upon approval as special exceptions in accordance with the appropriate provisions of this Ordinance in the circumstances set forth below:

- (1) The expansion, substantial alteration, or replacement for such a permitted use of an existing principal structure, provided that the Zoning Board of Appeals finds, as part of its review, that such expansion, alteration, or replacement of the structure will retain the appearance of and reflect the existing residential character of the district.
- (2) The construction, on a lot that had a structure as of June 8, 1993, including subsequent divisions of said lot, for a permitted use in this District. *(Amended – 11/15/05)*

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) The general standards of performance of Article X, Parts I and II, shall be observed.
- (2) The following space and bulk standards shall apply:

	Sewer	No Sewer
MINIMUM LOT AREA		
Residential	10,000 sq.ft.	40,000 sq.ft.
Nonresidential	20,000 sq.ft.	20,000 sq.ft.
MINIMUM LOT AREA PER DWELLING UNIT		
Single Family	10,000 sq.ft.	40,000 sq.ft.
Accessory Apartments	No increase in lot area required	No increase in lot area required
Two-Family Dwellings	7,500 sq.ft.	40,000 sq.ft.
Multi-Family Dwellings	7,500 sq.ft.	Not permitted
Congregate Housing	3,000 sq.ft.	Not permitted
MINIMUM STREET FRONTAGE		
Residential	75 ft.	100 ft.
Nonresidential	100 ft.	100 ft.
MINIMUM SETBACKS		
Residential		
Front	15 ft., except where the following lots with existing buildings have established a uniform setback relationship (See Definitions) to the street, any new building shall be set back from the edge of the right-of-way of the street no more than a maximum distance which is 5 feet greater than the average setback for those two adjacent lots on each side of the subject lot, and no less than a minimum distance which is 5 feet less than the average setback for those two adjacent lots on each side of the subject lot; provided however that such a building on the subject lot shall be no closer to the right-of-way of the street than the building closest to the edge of that right-of-way on those four adjacent lots. Where a uniform setback relationship exists,	25 feet

Table continued on next page

	Sewer	No Sewer
Front	accessory structures or additions to existing structures shall be set no less than two feet further back than the actual setback of the principal building unless that actual setback is greater than the maximum setback.	25 feet
Side	10' provided the sum of both side yards is at least 25'; however, any structure that has an existing nonconforming side setback shall have a setback requirement of 15 feet on each side. <i>(Amended 6/15/10)</i>	15 feet
Back	15 feet	15 feet
Normal high water mark	See Article X, Part I, Section 1(9)(j)	See Article X, Part I, Section 1(9)(j)

Table continued on next page

	Sewer	No Sewer
Nonresidential		
Front	Same as residential	Same as residential
Side	15 feet	15 feet
Back	15 feet	15 feet
Normal high water mark	See Article X, Part I, Section 1(9)(j)	See Article X, Part I, Section 1(9)(j)
Side and back yard for nonresidential use abutting a residential use	25 feet	25 feet
MAXIMUM BUILDING COVERAGE		
Residential	25%	20%
Non-residential	30%	30%
MAXIMUM GROUND COVERAGE		
Residential	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking and shall be maintained as a yard area.	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking and shall be maintained as a yard area.
Non-residential	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking and shall be maintained as a yard area.	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking and shall be maintained as a yard area.

Table continued on next page

	Sewer	No Sewer
Shoreland Area	20%	20%
MAXIMUM BUILDING OR STRUCTURE HEIGHT		
Residential	30 feet	30 feet
Nonresidential	30 feet	30 feet
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	30 feet	30 feet

- (3) Screening
Multifamily, congregate housing, and nonresidential uses abutting a residential use or district shall provide screening in accordance with the standards in Article X, Part II, Section 3, of this Ordinance.
- (4) Shoreland Area
Properties within shoreland areas shall comply with the additional standards set forth in Article X, Part I, Section 1, of this Ordinance.
- (5) Historic Areas
Properties within historic areas shall comply with the additional standards set forth in Article X, Part I, Section 3 of this Ordinance.

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Section 11. Neighborhood Service District (B-4)

A. Purpose

The Neighborhood Service District is meant to accommodate limited business uses in areas that are residential in character. The explicit purpose of this district is to preserve the character and appearance of established residential neighborhoods and to help foster the development of new neighborhoods while permitting limited, small scale commercial activities oriented to the neighborhoods.

B. Permitted Uses

The following uses are permitted in the Neighborhood Service District:

The following resource protection uses:

- (1) Uses listed in Section 1 of this Article, Natural Resource Protection District, paragraph B

The following residential uses:

- (2) Single family dwellings
- (3) Two-family dwellings
- (4) Multifamily dwellings served by public sewer
- (5) Open space residential developments that meet the standards of Article IX
- (6) Accessory apartments

The following municipal and institutional uses:

- (7) Churches
- (8) Community buildings
- (9) Municipal uses
- (10) Nursery schools and day care centers
- (11) Private schools
- (12) Public schools
- (13) Quasi-public facilities

The following commercial uses:

- (14) Financial services, excluding drive-through windows
- (15) Funeral homes
- (16) Hair salons
- (17) Inns¹
- (18) Neighborhood stores
- (19) Personal services

- (20) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance
- (21) Low impact uses, as defined in this Ordinance and not otherwise allowed in this district, that meet the terms of Article VII, Section 4(9)
- (22) Function Hall *(Added 06/17/09)*
- (23) Parking Facilities

The following water-dependent uses:

- (24) Municipal boat ramps and municipal piers

The following industrial uses:

- (25) Tradesmen's shops

The following utility uses:

- (26) Essential services
- (27) Road construction

The following accessory activities:

- (28) Accessory uses
- (29) Home occupations
- (30) Homestay

A¹ following a listed use means the use must be located wholly within structures existing as of the date of adoption of this Ordinance.

C. Uses Permitted as Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this Ordinance:

The following residential uses:

- (1) Community living uses
- (2) Congregate housing served by public sewer
- (3) Nursing and convalescent homes
- (4) Rooming houses

The following commercial uses:

- (5) Auto repair garages

The following professional services:

- (6) Professional offices
- (7) Health service facilities

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) The general standards of performance of Article X, Parts I and II, shall be observed.
- (2) The following space and bulk standards shall apply:

	Sewer	No Sewer
MINIMUM LOT AREA		
Residential	10,000 sq.ft.	30,000 sq.ft.
Nonresidential	10,000 sq.ft.	20,000 sq.ft.
MINIMUM LOT AREA PER DWELLING UNIT		
Single Family	10,000 sq.ft.	30,000 sq.ft.
Accessory Apartments	No increase in lot area required	No increase in lot area required
Two-Family Dwellings	7,500 sq.ft.	10,000 sq.ft.
Multi-Family Dwellings	7,500 sq.ft.	Not permitted
Congregate Housing	3,000 sq.ft.	Not permitted
MINIMUM STREET FRONTAGE		
Residential	75 ft.	100 ft.
Nonresidential	100 ft.	100 ft.
MINIMUM SETBACKS		

Table continued on next page

	Sewer	No Sewer
Residential		
Front	15 ft., except where the following lots with existing buildings have established a uniform setback relationship (See Definitions) to the street, any new building shall be set back from the edge of the right-of-way of the street no more than a maximum distance which is 5 feet greater than the average setback for those two adjacent lots on each side of the subject lot, and no less than a minimum distance which is 5 feet less than the average setback for those two adjacent lots on each side of the subject lot; provided however that such a building on the subject lot shall be no closer to the right-of-way of the street than the building closest to the edge of that right-of-way on those four adjacent lots. Where a uniform setback relationship exists, accessory structures or additions to existing structures shall be set no less than two feet further back than the actual setback of the principal building unless that actual setback is greater than the maximum setback.	25 feet
Side	10 feet, provided the sum of both side yards is at least 25 feet.	15 feet
Back	15 feet	15 feet
Normal high water mark	See Article X, Part I, Section 1(9)(j)	See Article X, Part I, Section 1(9)(j)

	Sewer	No Sewer
Nonresidential		
Front	Same as residential	Same as residential
Side	15 feet	15 feet
Back	15 feet	15 feet
Normal high water mark	See Article X, Part I, Section 1(9)(j)	See Article X, Part I, Section 1(9)(j)
Side and back yard for nonresidential use abutting a residential use	25 feet	25 feet
MAXIMUM BUILDING COVERAGE		
Residential	25%	20%
Nonresidential	30%	30%
MAXIMUM GROUND COVERAGE		
General	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking.	None, provided that the area between the front property line and the wall of the building or structure closest to the street and running the full width of the wall, except the driveway, shall not be used for parking.
Shoreland Area	20%	20%
MAXIMUM BUILDING OR STRUCTURE HEIGHT		
Residential	30 feet	30 feet
Nonresidential	30 feet	30 feet
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	30 feet	30 feet

- (3) **Screening**
Multifamily, congregate housing, and nonresidential uses abutting a residential use or district shall provide screening in accordance with the standards in Article X, Part II, Section 3, of this Ordinance.
- (4) **Shoreland Area**
Properties within shoreland areas shall comply with the additional standards set forth in Article X, Part I, Section 1, of this Ordinance.
- (5) **Historic Areas**
Properties within historic areas shall comply with the additional standards set forth in Article X, Part I, Section 3 of this Ordinance.

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Section 12. Harbor Business District (B-H)

A. Purpose

The purpose of the Harbor Business District is to preserve and maintain for the citizens of Camden the character of Camden Harbor, including its scenic value and views from the land, its accessibility to the public, and its economic value for functionally water-dependent uses.

B. Permitted Uses

The following uses are permitted in the Harbor Business District:

The following resource protection uses:

- (1) Uses listed in Section 1 of this Article, Natural Resource Protection District, paragraph B

The following residential uses: *(Amended 06/17/08)*

- (2) Single family dwellings, provided the standards of E, (6) are met.
- (3) Two-family dwellings, provided the standards of E, (6) are met.
- (4) Multifamily dwellings, provided the standards of E, (6) are met.

The following marine-related uses: *(Added 06/17/08)*

- (5) Boat and marine sales, service, maintenance, repair and construction, including marine fabrication, sail making, canvas manufacturing, marine metal casting
- (6) Indoor and outdoor boat storage
- (7) Marine and oceanographic research laboratories
- (8) Marine transportation offices including shipping offices
- (9) Professional and business offices where maritime issues and products are the primary use, i.e. naval architects, surveyors, maritime publishers, maritime lawyers, etc;
- (10) Maritime or historical museums
- (11) Yachting or sailing clubs, and schools which give marine or nautical instruction

The following commercial uses: *(Amended 06/17/2008)*

- (12) Financial services, except on a floor at street level*
- (13) Inns, located at least 276 feet from the harbor line *(Amended 06/17/2008)*
- (14) Leasing, rental, and storage facilities, excluding those that serve or benefit any dwelling unit or owner thereof, within the same structure or on a common lot or tract of land. *(Amended – 11/13/07)*
- (15) Publishing of newspapers, magazines, and books (excluding printing plants), except on a floor at street level*

- (16) Technical services, except on a floor at street level * *(added 11/11/08)*
- (17) Sit-down restaurants
- (18) Retail sales, excluding motor vehicle sales and repairs, motor home sales, motorcycle and motor bike rental and sales, and gas stations (except for marine-related purposes) and similar outdoor sales establishments that tend to detract from or interfere with a high intensity of pedestrian activity
- (19) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance
- (20) Function Hall *(Added 06/17/09)*
- (21) Parking Facilities

The following professional services:

- (22) Professional offices, except on a floor at street level*

The following water-dependent uses:

- (23) Marinas and recreational fishing and boating facilities
- (24) Municipal boat ramps and municipal piers
- (25) Other functionally water dependent uses as defined in this Ordinance

The following industrial uses:

- (26) Tradesmen's shops that include the retailing of items produced on the premises

The following utility uses:

- (27) Seasonal parking within boat storage buildings *(Added 06/17/08)*
- (28) Essential services
- (29) Public utilities
- (30) Road construction

The following accessory activities:

- (31) Accessory uses, except no residential accessory use shall occur on a floor at street level unless the residential use is permitted at street level.* *(Amended – 06/17/08)*
- (32) Home occupations, except no other residential accessory use shall occur on a floor at street level unless the residential use is permitted at street level.* *(Amended – 06/17/08)*
- (33) Homestay, except no such use shall occur on a floor at street level unless the residential use is permitted at street level.* *(Amended – 06/17/08)*

*Access to the use may be permitted from street level so long as the width or overall area of such access way does not exceed minimum state or federal requirements.

C. Uses Permitted as Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this Ordinance:

The following municipal and institutional uses

- (1) Municipal uses
- (2) Quasi-public facilities

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) The standards of performance of Article X, Parts I and II, shall be observed.
- (2) The following space and bulk standards shall apply:

MINIMUM LOT AREA	20,000 sq.ft.
MINIMUM LOT AREA PER DWELLING UNIT	
Single Family	1,500 sq.ft.
Two-Family Dwellings	1,500 sq.ft.
Multifamily Dwellings	1,500 sq.ft.
MINIMUM STREET FRONTAGE	None
MINIMUM SETBACKS	
Front, side, and back	None
From the Harbor Line per Zoning Map B	15 ft. except 60 ft. for buildings or structures over 24 ft. high; no setback required for piers, ramps, launching ramps or other structures which must adjoin the harbor line in order to accomplish or support functionally water dependent uses.
From the mean high water line of the outer harbor	40 feet
Side and back yard for non-residential use abutting a residential district	10 feet, except 15 feet for buildings over 24 feet high on lots abutting in inner harbor
MAXIMUM BUILDING COVERAGE	
General	100 percent, subject to the requirements in Article VIII, 12(E)(3) for a view corridor with an area equal to 20% of the total lot area
Buildings over 24 feet high on lots abutting the inner harbor	10 percent or 12,000 sq.ft. of the lot, whichever is less

MINIMUM DISTANCE BETWEEN BUILDINGS	200 feet between buildings over 24 feet high on lots abutting the inner harbor; provided, however, that there shall be no minimum distance between a building over 24 ft. high and a building whose height is 24 ft. or less and no minimum distance between buildings with heights of 24 feet or less. For lots abutting the outer harbor, there is no minimum distance between buildings.
MAXIMUM GROUND COVERAGE	The total area of all buildings, structures, parking lots and other nonvegetated surfaces on a lot shall be permitted to cover 100% of a total lot area, subject to the requirements for a view corridor in Article VIII, Section 12(E)(3).
MAXIMUM BUILDING OR STRUCTURE HEIGHT	
General (except as stated below)	24 feet
Residential uses at street level & inns (Added 06/17/08)	30 feet, plus 4 feet if all roof areas above 16 feet have a pitch of 5 in 12 or greater
Nonresidential buildings of one story, used exclusively for construction, storage or repair of boat or ships:	
On lots abutting the inner harbor	32 feet
On lots abutting the outer harbor	40 feet
TEMPORARY STRUCTURES FOR FUNCTIONALLY WATER DEPENDENT USES (OTHER THAN SUCH STRUCTURES ENCLOSING VESSELS UNDER CONSTRUCTION OR REPAIR) WHICH ARE LOCATED WITHIN THE 15 FT. SETBACK FROM THE HARBOR LINE	
Maximum height	14 feet
Maximum lot coverage of temporary structure	150 sq. ft.
TEMPORARY STRUCTURES FOR FUNCTIONALLY WATER DEPENDENT USES EMPLOYED ONLY TO ENCLOSE VESSELS UNDER CONSTRUCTION OR REPAIR	
Maximum height	7 ft. above the highest point of vessel, calculated without reference to mast and incidental protrusions

Maximum building coverage	Area resulting from width of the vessel multiplied by the length of the vessel; with the calculation of width and length including 4 ft. beyond scaffolding or devices necessary for working on such vessel, such devices constructed to conform to OSHA standards
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(3) Additional Space and Bulk Standards

- (a) A minimum of 20% of the lot area shall be kept free of buildings and structures as a single, straight view corridor of constant width from street to harbor line. In calculating lot area, the property landward of the officially established harbor line shall be included, minus any area within existing, recorded easements upon which building is prohibited. Any fence in the view corridor shall be of open construction. Temporary structures shall not interfere with this view corridor.
- (b) No part of a building may project over the right of way at any point.

(4) Shoreland Area

Unless otherwise noted, properties within shoreland areas shall comply with the additional standards set forth in Article X, Part I, Section 1, of this Ordinance.

(5) Historic Areas

Properties within historic areas shall comply with the additional standards set forth in Article X, Part I, Section 3 of this Ordinance.

(6) Residential Use

The following standards are intended to enhance the economic vitality of the district by creating an incentive to improve marine facilities and an opportunity to fund such improvements through limited residential development. Residential use is prohibited except as follows:

- a. Residential use is permitted, within 180 feet of the front property line on Atlantic Avenue, except on a floor at street level, provided all Zoning Ordinance requirements are met. The street level space shall be fully enclosed and conditioned with a minimum ceiling height of 7 feet, 6 inches. Access to the use may be permitted from street level so long as the width or overall area of such access way does not exceed minimum state and federal requirements.
- b. Residential use is permitted at street level at a distance of more than 276 feet from the harbor line provided two square feet of marine building coverage is constructed for each square foot of residential building coverage. Access to the use may be permitted from street level so long as the width or overall area of such access way does not exceed minimum state and federal standards.
 - (i) Marine building coverage shall include new permanent buildings and buildings in which 50% of the market value of the structure has been removed and replaced.

- (ii) Marine construction and residential construction may take place concurrently, however, a Certificate of Occupancy for a residential building shall be issued only upon issuance of a Certificate of Occupancy for the marine building that permitted the associated residential construction.

(Section added 06/17/08) (Amended 06/12/12)

- c. Notwithstanding the provisions of sub-paragraph a. above, residential use shall be permitted at street level in structures listed on the National Register of Historic Places if they were listed on the Register on June 13, 2017, the date of creation of sub-section c.

(amended 6/14/17 to add subsection c)

Section 13. River Business District (B-R)

A. Purpose

The purpose of the River Business District is to provide for the maintenance, development and redevelopment of lands and buildings in river-oriented locations that have historically been used for economic activity, or for which there is opportunity for such activity. It is intended that development and redevelopment proceed in a way that respects and maintains the environmental and scenic qualities of the river.

B. Permitted Uses

The following uses are permitted in the River Business District:

The following resource protection uses:

- (1) Uses listed in Section 1 of this Article, Natural Resource Protection District, paragraph B

The following resource production uses:

- (2) Timber harvesting

The following residential uses:

- (3) Single family, Two-family, & Multifamily dwellings, except that no residential use and no use accessory to a residential use (including but not limited to parking and storage except a home occupation, shall occur on a floor at street level without an equivalent area of allowed commercial, professional services, industrial, or utility uses as defined, in a building at street level on the same lot of record. Access to the use may be permitted from street level so long as such access way does not exceed minimum state or federal access requirements
(Amended – 11/5/13)
- (4) Mobile home parks existing as of November 4, 2008 *(added 11/11/08)*

The following municipal and institutional uses:

- (5) Municipal uses *(added 6/20/06)*
- (6) Quasi-public facilities

The following commercial uses:

- (7) Auction barns
- (8) Auto repair garages
- (9) Boat and marine sales and service
- (10) Clinics for animals
- (11) Commercial schools

- (12) Fast food restaurants, excluding drive-through windows
- (13) Financial services
- (14) Hair salons
- (15) Hotels and motels
- (16) Inns
- (17) Leasing, rental, and storage facilities
- (18) Outdoor boat storage
- (19) Personal services
- (20) Publishing of newspapers, magazines, and books
- (21) Retail sales and rental of goods and equipment, provided there is no exterior storage or display of motor vehicles
- (22) Sit-down restaurants
- (23) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance
- (24) Theaters and entertainment, excluding games and activities common to amusement parks
- (25) Low impact uses, as defined in this Ordinance and not otherwise allowed in this district, that meet the terms of Article VII, Section 4(9)
- (26) Technical services
- (27) Function Hall *(Added 06/17/09)*
- (28) Parking Facilities

The following professional services:

- (29) Professional offices
- (30) Health service facilities

The following industrial uses:

- (31) Agricultural products processing plants
- (32) Manufacturing
- (33) Printing plants
- (34) Research and development
- (35) Storage and maintenance of construction equipment
- (36) Tradesmen's shops
- (37) Warehousing, excluding truck terminals
- (38) Wholesale trade

The following utility uses:

- (39) Essential services
- (40) Public utilities
- (41) Road construction

The following accessory activities:

- (42) Accessory uses except where otherwise prohibited at street level
- (43) Home occupations
- (44) Homestay, except where residential use is otherwise prohibited at street level

C. Uses Permitted as Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this Ordinance:

None

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) The standards of performance of Article X, Parts I and II, shall be observed.
- (2) The following space and bulk standards shall apply:

MINIMUM LOT AREA	
Residential	None
Nonresidential	None
MINIMUM LOT AREA PER DWELLING UNIT	
Single Family	5000 sq. ft.
Two-Family dwellings	5,000 sq. ft.
Multifamily dwellings	1,500 sq. ft.
Congregate housing	Not permitted
MINIMUM STREET FRONTAGE	None
MINIMUM SETBACKS	
Front, side, and back	None
Normal high water mark	
Parking lots and paved surfaces	75 feet
Structures	30 feet
Side and back yard for nonresidential use abutting a residential district or a lot wholly or partially in residential use	25 feet
MAXIMUM BUILDING COVERAGE	70 percent
MAXIMUM GROUND COVERAGE	70 percent
MAXIMUM BUILDING OR STRUCTURE HEIGHT	
Residential	40 feet
Nonresidential	40 feet
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	15 feet

(Amended – 11/5/13)

- (3) Screening
Multifamily and nonresidential uses abutting a residential use on a separate lot of record or district shall provide screening in accordance with the standards in Article X, Part II, Section 3, of this Ordinance. *(Amended – 11/5/13)*
- (4) Shoreland Area
Unless otherwise noted, properties within shoreland areas shall comply with the additional standards set forth in Article X, Part I, Section 1, of this Ordinance.
- (5) Historic Areas
Properties within historic areas shall comply with the additional standards set forth in Article X, Part I, Section 3 of this Ordinance.

Section 14. Transitional River Business District (B-TR)

A. Purpose

The purpose of the Transitional River Business District is to provide for a compact, pedestrian oriented, year round business center in keeping with the scale and character of downtown Camden, with a focus on small scale specialty and comparison shopping, while also encouraging development and redevelopment of lands and buildings in river-oriented locations that have historically been used for economic activity, or for which there is opportunity for such activity.

B. Permitted Uses

The following uses are permitted in the Transitional River Business District:

The following resource protection uses:

- (1) Uses listed in Section 1 of this Article, Natural Resource Protection District, Paragraph B

The following residential uses:

- (2) Single family dwellings, except no residential uses and no use accessory to a residential use (including but not limited to parking and storage) shall occur on a floor at street level.*
- (3) Two-family dwellings, except no residential uses and no use accessory to a residential use (including but not limited to parking and storage) shall occur on a floor at street level.*
- (4) Multifamily dwellings, except no residential uses and no use accessory to a residential use (including but not limited to parking and storage) shall occur on a floor at street level.*
- (5) Congregate housing, except no elements of a “congregate housing” facility as defined shall occur on a floor at street level

*Access to the use may be permitted at street level so long as the width or overall area of such access way does not exceed minimum state or federal access requirements.

The following municipal and institutional uses:

- (6) Churches
- (7) Community buildings
- (8) Municipal uses
- (9) Nursery schools and day care centers
- (10) Private schools
- (11) Public schools

(12) Quasi-public facilities

The following commercial uses:

- (13) Boat and marine sales and services
- (14) Commercial schools
- (15) Food service, excluding drive-through windows
- (16) Financial services, excluding drive-through windows
- (17) Funeral homes
- (18) Hair salons
- (19) Hotels and motels
- (20) Inns
- (21) Auction sales
- (22) Outdoor boat storage incidental to other uses, or in conjunction with boat maintenance or repair
- (23) Personal services
- (24) Publishing of newspapers, magazines, and books
- (25) Retail sales and rental of goods and equipment, excluding gas stations, or exterior display or storage of motor vehicles
- (26) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance
- (27) Theaters and entertainment, excluding outdoor games and activities common to amusement parks
- (28) Low impact uses, as defined in this Ordinance and not otherwise allowed in this district and that meet the terms of Article VII, Section 4(9)
- (29) Technical services
- (30) Function Hall *(Added 06/17/09)*
- (31) Parking Facilities
- (32) Parking Garages

The following professional services:

- (33) Professional offices
- (34) Health service facilities

The following water-dependent uses:

- (35) Municipal boat ramps and municipal piers

The following industrial uses:

- (36) Manufacturing, excluding fish or animal processing and petroleum processing
- (37) Printing plants
- (38) Research and development
- (39) Interior storage and maintenance of construction equipment
- (40) Tradesmen's shops

- (41) Warehousing within structures existing as of the date of adoption of this Ordinance, excluding truck terminals
- (42) Wholesale trade

The following utility uses:

- (43) Essential services
- (44) Public utilities
- (45) Road construction

The following accessory activities:

- (46) Accessory uses, except where otherwise prohibited at street level
- (47) Home occupations
- (48) Homestay, except at street level

C. Uses Permitted as Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this Ordinance.

None

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) The standards of performance of Article X, Parts I and II, shall be observed.
- (2) The following space and bulk standards shall apply:

MINIMUM LOT AREA	
Residential	None
Nonresidential	None
MINIMUM LOT AREA PER DWELLING UNIT	
Single Family	1,500 sq.ft.
Two-Family Dwellings	1,500 sq.ft.
Multifamily Dwellings	1,500 sq.ft.
MINIMUM STREET FRONTAGE	None
MINIMUM SETBACKS	
Front, side, and back	None
Normal high water mark	None
Side and back yard for nonresidential use abutting a residential district	15 feet

Parking lot, parking space, or parking area in shoreland areas	25 feet from normal high water mark of a water body or from the upland edge of a wetland
MAXIMUM BUILDING COVERAGE	None
MAXIMUM GROUND COVERAGE	
General	None
Shoreland area	None
MAXIMUM BUILDING OR STRUCTURE HEIGHT	
Residential	50 feet
Nonresidential	50 feet
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	None

- (3) Shoreland Area
Unless otherwise noted, properties within shoreland areas shall comply with the additional standards set forth in Article X, Part I, Section 1, of this Ordinance.
- (4) Historic Areas
Properties within historic areas shall comply with the additional standards set forth in Article X, part I, Section 3 of this Ordinance.

Section 15. Industrial District (I)**A. Purpose**

The purpose of the Industrial District is to encourage nonpolluting industrial developments at reasonable density.

B. Permitted Uses

The following uses are permitted in the Industrial District:

The following resource protection uses:

- (1) Uses listed in Section 1 of this Article, Natural Resource Protection District, paragraph B

The following resource production uses:

- (2) Timber harvesting

The following municipal uses:

- (3) Municipal uses (*New 6/20/06*)

The following commercial uses:

- (4) Auction barns
- (5) Auto repair garages
- (6) Boat and marine sales and service
- (7) Clinics for animals
- (8) Commercial schools
- (9) Leasing, rental, and storage facilities
- (10) Motor vehicle sales
- (11) Outdoor boat storage
- (12) Retail sales incidental to a permitted use, and retail and service establishments intended primarily to serve other permitted uses in the Industrial District
- (13) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance
- (14) Technical services, provided that retail sales are devoted to less than 10% of the floor area of the business (*amended 11/11/08*)
- (15) Parking Facilities

The following professional services:

- (16) Professional offices
- (17) Health service facilities

The following industrial uses:

- (17) Agricultural products processing plants
- (18) Manufacturing
- (19) Printing plants
- (20) Research and development
- (21) Storage and maintenance of construction equipment
- (22) Tradesmen's shops
- (23) Truck terminals
- (24) Warehousing
- (25) Wholesale trade

The following utility uses:

- (26) Essential services
- (27) Public utilities
- (28) Road construction

The following accessory activities:

- (29) Accessory uses

C. Uses Permitted as Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this Ordinance:

- (1) Gas Stations

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) The standards of performance of Article X, Parts I and II, shall be observed.
- (2) The following space and bulk standards shall apply:

MINIMUM LOT AREA	
Residential	Not permitted
Nonresidential	40,000 sq.ft.
MINIMUM LOT AREA PER DWELLING UNIT	Not applicable
MINIMUM STREET FRONTAGE	
Nonresidential	200 feet
MINIMUM SETBACKS	
Nonresidential	
Front	50 feet
Side	20 feet
Back	20 feet
Normal high water mark	See Article X, Part I, Section 1(9)(j)
Side and back yard for nonresidential use abutting a residential district	50 feet
MAXIMUM BUILDING COVERAGE	50%
MAXIMUM GROUND COVERAGE, SHORELAND AREA	20%
MAXIMUM BUILDING OR STRUCTURE HEIGHT	40 feet
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	None

- (3) Screening
Nonresidential uses abutting a residential use or a district other than a business or industrial district shall provide screening in accordance with the standards in Article X, Part II, Section 3, of this ordinance.
- (4) Shoreland area
Properties within shoreland areas shall comply with the additional standards set forth in Article X, Part I, Section 1 of this ordinance.
- (5) Historic Areas
Properties within historic areas shall comply with the additional standards set forth in Article X, Part I, Section 3 of this ordinance.

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Section 16. Transitional Harbor Business District (B-TH)

A. Purpose

The purpose of the Transitional Harbor Business District is to provide a transition between the inner harbor retail district and the residential neighborhood of the outer harbor while preserving and maintaining the character, scenic value, accessibility and economic value for functionally water-dependent uses in Camden Harbor. *(New 6/20/06)*

B. Permitted Uses

The following uses are permitted in the Transitional Harbor Business District:

The following resource protection uses:

- (1) Uses listed in Section 1 of this Article, Natural Resource Protection District, paragraph B

The following residential uses: *(Amended 06/17/08)*

- (2) Single family dwellings within 55 feet of the front property line on Bay View Street, except no residential use and no use accessory to a residential use (including but not limited to parking and storage) shall occur on a floor at street level.*
- (3) Two-family dwellings within 55 feet of the front property line on Bay View Street, except no residential use and no use accessory to a residential use (including but not limited to parking and storage) shall occur on a floor at street level.*
- (4) Multifamily dwellings within 55 feet of the front property line on Bay View Street, except no residential use and no use accessory to a residential use (including but not limited to parking and storage) shall occur on a floor at street level

*Access to the use may be permitted from street level so long as the width or overall area of such access way does not exceed minimum state or federal access requirements.

The following marine-related uses: *(New 06/17/08)*

- (5) Boat and marine sales, service, maintenance, repair and construction including marine fabrication, sail making, canvas manufacturing, & marine metal casting
- (6) Indoor and outdoor boat storage
- (7) Marine and oceanographic research laboratories
- (8) Marine transportation offices including shipping offices

- (9) Professional and business offices where maritime issues and products are the primary use, i.e. naval architects, surveyors, maritime publishers, maritime lawyers, etc;
- (10) Maritime or historical museums
- (11) Yachting or sailing clubs, and schools which give maritime or nautical instruction

The following commercial uses:

- (12) Financial services *(Amended 06/17/09)*
- (13) Inns *(Amended 06/17/09)*
- (14) Leasing, rental, and storage facilities
- (15) Publishing *(Amended 06/17/09)*
- (16) Technical services, except on a floor at street level.* *(added 11/11/08)*
- (17) Sit-down restaurants
- (18) Retail sales, excluding motor vehicle sales and repairs, motor home sales, motorcycle and motor bike rental and sales, and gas stations (except for marine-related purposes) and similar outdoor sales establishments that tend to detract from or interfere with a high intensity of pedestrian activity
- (19) Storage within barns or similar accessory structures existing as of the date of adoption of this Ordinance
- (20) Theaters and entertainment (excluding games and activities common to amusement parks), except on a floor at street level.*
- (21) Function Hall *(Added 06/17/09)*
- (22) Commercial schools within 55 feet of the front property line on Bay View Street *(Added 06/17/09)*
- (23) Funeral homes within 55 feet of the front property line on Bay View Street *(Added 06/17/09)*
- (24) Hair salons within 55 feet of the front property line on Bay View Street *(Added 06/17/09)*
- (25) Personal services within 55 feet of the front property line on Bay View Street *(Added 06/17/09)*
- (26) Parking facilities

*Access to the use may be permitted from street level so long as the width or overall area of such access way does not exceed minimum state or federal access requirements.

The following professional services:

- (27) Professional offices *(Amended 06/17/09)*

The following water-dependent uses:

- (28) Marinas and recreational fishing and boating facilities
- (29) Municipal boat ramps and municipal piers
- (30) Other functionally water dependent uses as defined in this Ordinance

The following industrial uses:

- (31) Tradesmen's shops that include the retailing of items produced on the premises
- (32) The following utility uses: Essential services
- (33) Public utilities
- (34) Road construction

The following accessory activities:

- (35) Accessory uses, except where otherwise prohibited at street level
- (36) Home occupations
- (37) Homestay, except at street level

C. Uses Permitted as Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this Ordinance:

The following municipal and institutional uses:

- (1) Municipal uses
- (2) Quasi-public facilities
- (3) Community buildings within 55 feet of the front property line on Bay View Street
(Added 06/17/09)

D. Prohibited Uses

Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) The standards of performance of Article X, Parts I and II, shall be observed.
- (2) The following space and bulk standards shall apply:

MINIMUM LOT AREA	20,000 sq.ft.
MINIMUM LOT AREA PER DWELLING UNIT	
Single Family	1,500 sq.ft.
Two-Family Dwellings	1,500 sq.ft.
Multifamily Dwellings	1,500 sq.ft.
MINIMUM STREET FRONTAGE	None
MINIMUM SETBACKS	
Front, side, and back	None
From the Harbor Line per Zoning Map B	15 ft. except 60 ft. for buildings or structures over 24 ft. high; no setback required for piers, ramps, launching ramps or other structures which must adjoin the harbor line in order to accomplish or support functionally water dependent uses.
From the mean high water line of the outer harbor	40 feet
Side and back yard for non-residential use abutting a residential district	10 feet, except 15 feet for buildings over 24 feet high on lots abutting in inner harbor

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MAXIMUM BUILDING COVERAGE	
General	100 percent, subject to the requirement in Article VIII, 12(E)(3) for a view corridor with an area equal to 20% of the total lot area
Buildings over 24 feet high on lots abutting the inner harbor	10 percent or 12,000 sq.ft. of the lot, whichever is less
MINIMUM DISTANCE BETWEEN BUILDINGS	200 feet between buildings over 24 feet high on lots abutting the inner harbor; provided, however, that there shall be no minimum distance between a building over 24 ft. high and a building whose height is 24 ft. or less and no minimum distance between buildings with heights of 24 ft. or less. For lots abutting the outer harbor, there is no minimum distance between buildings.
MAXIMUM GROUND COVERAGE	The total area of all buildings, structures, parking lots and other nonvegetated surfaces on a lot shall be permitted to cover 100% of a total lot area, subject to the requirements for a view corridor in Article VIII, Section 12(E)(3).
MAXIMUM BUILDING OR STRUCTURE HEIGHT	
General (except as stated below)	24 feet
Nonresidential buildings of one story, used exclusively for construction, storage or repair of boat or ships	
On lots abutting the inner harbor	32 feet
On lots abutting the outer harbor	40 feet
TEMPORARY STRUCTURES FOR FUNCTIONALLY WATER DEPENDENT USES (OTHER THAN SUCH STRUCTURES ENCLOSING VESSELS UNDER CONSTRUCTION OR REPAIR) WHICH ARE LOCATED WITHIN THE 15 FT. SETBACK FROM THE HARBOR LINE	
Maximum height	14 feet
Maximum lot coverage of temporary structures	150 sq.ft.

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TEMPORARY STRUCTURES FOR FUNCTIONALLY WATER DEPENDENT USES EMPLOYED ONLY TO ENCLOSE VESSELS UNDER CONSTRUCTION OR REPAIR	
Maximum height	7 ft. above the highest point of vessel, calculated without reference to mast and incidental protrusions
Maximum building coverage	Area resulting from width of the vessel multiplied by the length of the vessel; with the calculation of width and length including 4 ft. beyond scaffolding or devices necessary for working on such vessel, such devices constructed to conform to OSHA standards

(3) Additional Space and Bulk Standards

- (a) A minimum of 20% of the lot area shall be kept free of buildings and structures as a single, straight view corridor of constant width from street to harbor line. In calculating lot area, the property landward of the officially established harbor line shall be included, minus any area within existing, recorded easements upon which building is prohibited. Any fence in the view corridor shall be of open construction. Temporary structures shall not interfere with this view corridor.
- (b) No part of a building may project over the right of way at any point.

(4) Shoreland Area

Unless otherwise noted, properties within shoreland areas shall comply with the additional standards set forth in Article X, Part I, Section 1, of this Ordinance.

(5) Historic Areas

Properties within historic areas shall comply with the additional standards set forth in Article X, Part I, Section 3 of this Ordinance.

(New Section 16 – 11/15/05)

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Section 17. Business Opportunity Zone (BOZ)

A. Purpose

To create a new zoning category intended to encourage balanced development, energy-efficient, aesthetically pleasing and cost-effective commercial projects, while acknowledging green space protection, including on small and/or irregularly shaped land parcels where site limitations would otherwise make adhering to current District Regulations impractical.

The Business Opportunity Zone Overlay Design Standards found in Article XII Section 6 (12) may be used in lieu of the current zoning in Zoning Districts B2, B3, B4, BR, and BTR. In order to qualify as a Business Opportunity Zone in any of these districts, the site must be a minimum of one acre in size and can be comprised of either an individual parcel or an assemblage of two or more adjacent parcels totaling at least one acre.

When the Business Opportunity Zone is used in the design and development of a parcel, the Permitted Uses, District Regulations and Standards of the Business Opportunity Zone (BOZ) shall supersede and/or replace the Permitted Uses, District Regulations and Standards of the overlaid parcel's existing Zoning District.

When the Business Opportunity Zone is overlaid on areas within the B-3 District as of the date of adoption of these provisions, any new or modified buildings must hold to the original Purpose of the this District to preserve the character and appearance of the established neighborhood as described in Article VIII Section10, A of the Zoning Ordinance.

B. Permitted Uses

The following uses are permitted in the Business Opportunity Zone:

The following residential uses:

- (1) Multi -family dwellings as long as there is no residential use and no use accessory to a residential use (including but not limited to parking and storage) on street level or below and the total square footage of all residential uses does not exceed 33% of the total square footage in any individual building.
- (2) Sleeping and bathroom facilities and a shared kitchen for staff use during active shifts as an accessory to the approved use.

The following commercial uses:

- (3) Boat & marine sales and service provided there is no outdoor storage or display of products
- (4) Sit down restaurants

- (5) Financial services
- (6) Hair salons
- (7) Personal services
- (8) Retail sales
- (9) Technical services
- (10) Local passenger transportation services
- (11) Neighborhood Stores

The following professional uses:

- (12) Professional offices
- (13) Health service facilities

The following industrial uses:

- (14) Manufacturing
- (15) Wholesale trade
- (16) Research and development establishments

The following utility uses:

- (17) Essential services
- (18) Public utilities
- (19) Road construction

The following accessory activities:

- (20) Accessory uses, except where otherwise prohibited at street level
- (21) Nursery schools and day-care centers

The following municipal and institutional uses:

- (22) Commercial schools

C. Uses Permitted as Special Exceptions

The following uses may be permitted only upon approval as special exceptions in accordance with the appropriate provisions of this Ordinance:

- (1) Office/Warehouse/Distribution
- (2) Gas station as an accessory use to a neighborhood store as long as there are no other gas stations within ½ mile as measured along a road.

D. Prohibited Uses

- (1) drive through windows
- (2) Uses not allowed as permitted uses or special exceptions are prohibited within this district.

E. Standards

- (1) The standards of performance of Article X, Parts I and II, shall be observed.
- (2) The following space and bulk standards shall apply:

MINIMUM LOT AREA	One Acre
MINIMUM STREET FRONTAGE	Per the underlying district standard
MINIMUM SETBACKS	
Front, side, and back	10 feet
MAXIMUM BUILDING COVERAGE	* See Article XII Section 6 12 a-e for BOZ Design Standards
MAXIMUM GROUND COVERAGE	* See Article XII Section 6 12 a-e for BOZ Design Standards
MAXIMUM BUILDING OR STRUCTURE HEIGHT	* See Article XII Section 6 12 a-e for BOZ Design Standards
MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS ON SAME LOT	10 feet

(3) Architectural Review and Approval

Proposals for a Business Opportunity Zone Overlay shall undergo an Architectural Review after obtaining Site Plan approval, both of which shall be the purview of the Planning Board.

- a) Proposals will be evaluated based on scale, proportion and blending with topography.
- b) Any Architectural Review required as part of Site Plan Review shall remain in place.
- c) All Business Opportunity Zone Overlay projects shall be reviewed under the design standards of Article XII 12(a)-(e).
- d) Whenever the Business Opportunity Zone is overlaid on lands within the BTR District, review under the design standards of Article XII 11(a)-(g) shall apply.

F. Screening

Multifamily and nonresidential uses abutting a residential use or district shall provide screening in accordance with the standards in Article X, Part II, Section 3, of this Ordinance.

G. Shoreland Area

Unless otherwise noted, properties within shoreland areas shall comply with the additional standards set forth in Article X, Part I, Section 1, of this Ordinance.

H. Historic Areas

Properties within historic areas shall comply with the additional standards set forth in Article X, Part I, Section 3 of this Ordinance.

I. Application and Implementation

A developer or property owner (the Applicant) shall notify the Town Planner and the Planning Board that they intend to use Business Opportunity Zone Overlay Design Standards in the design of their site plan and the development of the property(ies). The Applicant shall then process their Site Plan through Article XII of the Zoning Ordinance. The Applicant can seek final approval by satisfying the additional submission requirements and Approval Criteria specific to Business Opportunity Zone applications.

Article IX Open Space Zoning

Section 1. Purpose

The purpose of this Article is, within rural areas of Camden, to maintain the rural, natural, and scenic qualities of the Town; and, within developing areas, to provide for flexibility in the design of open space residential development. *(Amended – 6/20/2007)*

Section 2. Applicability

(1) Rural-1, Rural-2, and Coastal Residential Districts

The provisions of this Article shall be mandatory for residential subdivisions with three or more lots that are located in the Rural-1, Rural-2, or Coastal Residential Districts. These provisions are not mandatory for lots within subdivisions that are located in other districts. *(Amended – 6/20/2007)*

(2) Village and Village Extension Districts

In Village and Village Extension districts, the provisions of this Article shall be optional. *(Amended – 6/20/2007)*

(3) Lots Located In More than One Zoning District

When a lot is located in two or more zoning districts and a majority of the lot falls within one of the mandatory open space zoning districts, then the lot shall meet the provisions of this Article. *(Amended – 6/20/2007)*

Section 3. General Standards

Open space residential developments proposed under the terms of this Article shall meet all requirements of this Article, unless otherwise noted. The uses of the land shall not differ from the uses permitted in the district in which the development is located. “Buildable” land is all land except land within street rights-of-way, wetlands as defined in this Ordinance, 100-year flood plains, water bodies, or sustained slopes in excess of 20%. Modifications of space and bulk provisions shall not be construed as granting variances to relieve hardship. *(Amended – 6/20/2007)*

(1) Within the Rural-1 District:

- (a) the total number of dwelling units shall not exceed one unit per 7 acres.
- (b) each lot within the subdivision shall contain a minimum of 1 acre of buildable land. *(Amended – 6/20/2007)*

- (c) lots and/or dwelling units shall be laid out so that, on average, they encompass (or, in the case of dwelling units not on individual lots, occupy) no more than two acres of buildable land per lot or dwelling unit, and so that at least 60% of the parcel remains as open space outside of the lots and not otherwise assigned to individual dwelling units. (*Amended – 6/20/2007*)
 - (d) minimum road frontage shall be 75 feet. However, no individual lot or dwelling unit shall have its required frontage on a public road existing at the time of application for development or gain its access from such a road.
 - (e) no building or structure shall be located within 25 feet of any property line.
 - (f) neither shore frontage nor setbacks from the normal high water marks of water bodies shall be reduced below the minimum otherwise required in the district.
 - (g) dwelling units may be clustered within a single building or series of attached units. In these cases the provisions of this paragraph (1) shall apply, with the following exceptions and additions:
 - (i) the parcel of land proposed for development shall have a minimum of 150 feet of frontage;
 - (ii) the minimum distance between principal buildings on the same lot shall be equivalent to the height of the taller building;
 - (iii) no building shall contain more than six dwelling units and no more than an average of four units per building for the development as a whole; and attached dwellings shall include no more than six dwelling units in any single series, and no more than an average of four per series for the development as a whole.
- (2) Within the Rural-2 District:
- (a) the total number of dwelling units shall not exceed one unit per 4 acres.
 - (b) each lot within the subdivision shall contain a minimum of 30,000 square feet of buildable land. (*Amended – 6/20/2007*)
 - (c) lots and/or dwelling units shall be laid out so that, on average, they encompass (or, in the case of dwelling units not on individual lots, occupy) no more than one-and-a-half acres of buildable land per lot or dwelling unit, and so that at least 50% of the parcel remains as open space

outside of the lots and not otherwise assigned to individual dwelling units.
(Amended – 6/20/2007)

- (d) minimum road frontage shall be 50 feet. However, no individual lot or dwelling unit shall have its required frontage on a public road existing at the time of application for development or gain its access from such a road.
 - (e) no building or structure shall be located within 25 feet of any property line.
 - (f) neither shore frontage nor setbacks from the normal high water marks of water bodies shall be reduced below the minimum otherwise required in the district.
 - (g) dwelling units may be clustered within a single building or series of attached units. In these cases the provisions of this paragraph (2) shall apply, with the following exceptions and additions:
 - (i) the parcel of land proposed for development shall have a minimum of 150 feet of frontage;
 - (ii) the minimum distance between principal buildings on the same lot shall be equivalent to the height of the taller building;
 - (iii) no building shall contain more than six dwelling units and no more than an average of four units per building for the development as a whole; and attached dwellings shall include no more than six dwelling units in any single series, and no more than an average of four per series for the development as a whole.
- (3) Within the Coastal Residential District:
- (a) the total number of dwelling units shall not exceed one unit per 30,000 square feet if the property is served by public sewerage, or one unit per 60,000 square feet if the property is served by one on-site waste water disposal system.
 - (b) each lot within the subdivision shall contain a minimum of 10,000 square feet of land if served by public sewerage, or a minimum of 30,000 square feet of buildable land if the property is served by on-site waste water disposal systems. (Amended – 6/20/2007)
 - (c) lots and/or dwelling units shall be laid out so that, on average, they encompass (or, in the case of dwelling units not on individual lots, occupy) no more than one-and-a-half acres of buildable land per lot or dwelling unit, and so that at least 33% of the parcel remains as open space

outside of the lots and not otherwise assigned to individual dwelling units.
(Amended – 6/20/2007)

- (d) minimum road frontage shall be 50 feet. However, no individual lot or dwelling unit shall have its required frontage on a public road existing at the time of application for development or gain its access from such a road.
 - (e) no building or structure shall be located within 25 feet of any property line.
 - (f) neither shore frontage nor setbacks from the normal high water marks of water bodies shall be reduced below the minimum otherwise required in the district.
 - (g) dwelling units may be clustered in a single building or a series of single family attached units, in which case the provisions of this paragraph (3) shall apply, with the following exceptions and additions:
 - (i) the parcel of land proposed for development shall have a minimum of 150 feet of frontage;
 - (ii) the minimum distance between principal structures on the same lot shall be equivalent to the height of the taller structure;
 - (iii) attached dwellings shall include no more than six dwelling units in any single series, and no more than an average of four per series for the development as a whole.
- (4) Within the Village and Village Extension Districts, dwelling units may be clustered on individual lots, within a single building, or within a series of attached buildings. (Amended – 6/20/2007)
- (a) If the open space residential development is of individual lots for single family detached or two-family dwellings and lots and/or dwelling units are laid out so that, on average, at least 20% of the parcel remains as open space outside of the lots and not otherwise assigned to individual dwelling units and at least 20% of the open space is buildable land: (Amended – 6/20/2007)
 - (i) the total number of dwelling units shall not exceed one unit per 10,000 square feet, plus a 20% incentive bonus, however, no individual lot shall be less than 5,000 square feet (example: 200,000 square foot parcel = 20 lots plus 20% bonus = 24 total), provided that any lot not served by a public sewer or other approved community sewage collection and treatment system shall contain at least 20,000 square feet; (Amended – 6/20/2007)

- (ii) each lot shall have at least 50 feet of frontage on an approved way, either existing or proposed;
 - (iii) front yard setbacks shall not be reduced by more than 50%;
 - (iv) side yard setbacks shall together contain a total of at least 20 feet;
 - (v) neither shore frontage nor setbacks from the normal high water marks of water bodies shall be reduced below the minimum otherwise required in the district.
- (b) If the open space residential development is of individual lots for single family detached or two-family dwellings and lots and/or dwelling units are to be laid out so that, on average, at least 10% of the parcel remains as open space outside of the lots and not otherwise assigned to individual dwelling units and at least 20% of the open space is buildable land: *(Amended – 6/20/2007)*
 - (i) the total number of dwelling units shall not exceed one unit per 10,000 square feet, plus a 10% incentive bonus, however, no individual lot shall be less than 5,000 square feet (example – 200,000 square foot parcel = 20 lots plus 10% bonus = 22 lots total), provided that any lot not served by a public sewer or other approved community sewage collection and disposal system shall contain at least 20,000 square feet; *(Amended – 6/20/2007)*
 - (ii) each lot shall have at least 63 feet of frontage on an approved way, either existing or proposed; *(Amended – 6/20/2007)*
 - (iii) front yard setbacks shall not be reduced by more than 25%; *(Amended – 6/20/2007)*
 - (iv) side yard setbacks shall together contain a total of at least 23 feet; *(Amended – 6/20/2007)*
 - (v) neither shore frontage nor setbacks from the normal high water marks of water bodies shall be reduced below the minimum otherwise required in the district. *(Amended – 6/20/2007)*
- (c) If the development does not include creation of individual lots for single family detached or two-family dwellings:
 - (i) the parcel of land proposed for development shall contain a minimum gross lot area of 100,000 square feet provided, however, that the minimum lot area per dwelling unit described in paragraph (4)(a)(i) above shall be met, and the parcel shall

have a minimum of 150 feet of frontage on an approved way, existing or proposed;

- (ii) no building or structure shall be located within 25 feet of any property line;
- (iii) the minimum distance between principal buildings on the same lot shall be equivalent to the height of the taller structure;
- (iv) no structure shall contain more than six dwelling units and no more than an average of four dwelling units per structure for the development as a whole; and attached dwellings shall include no more than six dwelling units in any single series, and no more than an average of four per series for the development as a whole;
- (v) neither shore frontage nor setbacks from the normal high water marks of water bodies shall be reduced below the minimum otherwise required in the district.

Section 4. Design Standards

In addition to other standards of this zoning ordinance and of the Town's subdivision ordinance, individual building lots shall be laid out to achieve the following objectives (which are listed in order of priority as it is recognized that some may conflict with others on a given site):

- (1) Within the Rural-1 and Rural-2 districts:
 - (a) where on-site wastewater disposal is to be used, on suitable soils for subsurface wastewater disposal;
 - (b) below elevation 500 feet;
 - (c) in a manner that maximizes as part of the required open space the amount of undisturbed, contiguous wildlife habitat; (*Amended – 6/20/2007*)
 - (d) in a manner that maximizes as part of the required open space the amount of contiguous, usable area for agriculture or woodlot production;
 - (e) such that all buildings are located along the edges of open fields or within adjacent woodlands; (*Amended – 6/20/2007*)
 - (f) in locations least likely to block or interrupt scenic vistas, as seen from the public roadway.

- (2) Within the Coastal Residential district:
 - (a) where on-site wastewater disposal is to be used, on suitable soils for subsurface wastewater disposal;
 - (b) in a manner that preserves existing vegetation and other landscape features adjacent to public roadways;
 - (c) in a manner that maximizes the amount of contiguous open space;
(Amended – 6/20/2007)
 - (d) in a manner that preserves existing scenic vistas as seen from public roadways;
 - (e) in a manner that minimizes the length of roadways, public utility lines, and other infrastructure within the proposed development.
- (3) Within the Village and Village Extension Districts: *(Amended – 6/20/2007)*
 - (a) where on-site wastewater disposal is to be used, on suitable soils for subsurface wastewater disposal;
 - (b) in a manner that minimizes the length of roadways, public utility lines, and other infrastructure within the proposed development;
 - (c) in a manner that maximizes the amount of contiguous open space;
(Amended – 6/20/2007)
 - (d) to provide planting, landscaping, fencing, and screening to buffer the development from, and integrate it with, the character of any surrounding development;
 - (e) in locations where buildings will not interfere with the solar access of other properties.

Section 5. Common Open Spaces

- (1) The common open space created by the development shall be shown on the subdivision plan with the following notation on the face of the plan: "Common open space shall not be further divided or used for future building lots."
- (2) The common open space shall be accessible to the residents of the development, either by locating lots in a manner that they abut the common open space, or via a roadway, right-of-way, easements, or a combination of these mechanisms.
- (3) The common open space shall be used only for agriculture, woodlands, preserving the natural features of the site, or low-intensity recreation. Such uses shall not

include rights-of-way (except easements for underground utilities), driveways, or parking areas, or tennis courts, swimming pools, or similar recreation development. Buildings related to allowed activities may be located in the common open space, provided that the footprints of such buildings shall not count toward the percentage of open space required by this Article.

- (4) The formation and incorporation by the developer of a homeowner's association shall be accomplished prior to final subdivision approval. Covenants for mandatory membership in the association shall be approved by the Planning Board and included in the deed for each lot or unit or incorporated by reference from a master document recorded in the Knox County Registry of Deeds. The association's documents shall specify that:
 - (a) The association shall have the responsibility of maintaining the common open spaces and other private facilities dedicated to the use in common by the development's residents.
 - (b) The association shall levy annual charges against all property owners to defray the expenses, if any, connected with maintenance of the common open spaces and facilities.
 - (c) The developer shall maintain control of common open spaces and facilities and be responsible for their maintenance until at least 51% of the development's lots or units have been completed and sold, with evidence of such completion and sales submitted to and approved by the Planning Board.

Article X Performance Standards

Part I. Standards in Overlay Areas

This Part contains three sections: Shoreland Areas, High Elevation Areas, and Historic Areas. Each Section identifies an area or areas in which special standards shall apply to the uses and activities within the area or areas. Unless otherwise indicated, the uses allowed within these areas shall not differ from those listed as Permitted Uses or Uses Permitted by Special Exception in the applicable underlying zoning district.

Part I, Section 1. Shoreland Areas

(1) Applicability

This section applies to all land areas within two hundred fifty (250) feet, horizontal distance, of the normal high water line of any great pond or river; within two hundred fifty (250) feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within two hundred fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland; within two hundred fifty (250) feet of the Official Harbor Line as described in the Official Zoning Map B of the Town of Camden (where the Harbor Line is different from the normal high water line); and within seventy-five (75) feet, horizontal distance, of the normal high water line of a stream. The shoreland area is further depicted on the shoreland map of the Official Zoning Map on file in the Code Enforcement Office. This section also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending below the normal high water line of a water body or within a wetland, or beyond the Harbor Line. *(Amended 11/10/09)*

(2) Agriculture

- (a) All spreading of manure shall be accomplished in conformance with the *Maine Utilization Guidelines* published by the former Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. § 4201-4209). *(Amended 11/10/09)*
- (b) Manure shall not be stored or stockpiled within 100 feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond, classified GPA, or within 75 feet horizontal distance of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland area must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. *(Amended 11/10/09)*
- (c) Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area within the shoreland area shall require a Conservation Plan to be filed with the Planning Board. Nonconformance with the provisions of said plan shall be considered to be a violation of this Ordinance. *(Amended 11/10/09)*

NOTE: Assistance in preparing a soil and water conservation plan may be available through the local Soil and Water Conservation District office.

- (d) There shall be no new tilling of soil within 100 feet, horizontal distance, of the normal high-water line of a great pond classified GPA, within 75 feet, horizontal distance, from other water bodies and coastal wetlands; nor within 25 feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this amendment and not in conformance with this provision may be maintained. *(Amended 11/10/09, 6/15/10)*
- (e) Newly established livestock grazing areas shall not be permitted within 100 feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within 75 feet, horizontal distance of other water bodies and coastal wetlands, nor within 25 feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been filed with the Planning Board. *(Amended 11/10/09)*

(3) Beach Construction and Alteration of Shorelines

Beach construction on any great pond or coastal wetland shall require a permit from the Department of Environmental Protection. Beach construction on any river, stream, or brook capable of floating watercraft shall require approval from the Commissioner of the Department of Environmental Protection (DEP), as required by law.

(4) Campgrounds and Individual Private Campsites

- (a) Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:
 - 1. Campgrounds shall contain a minimum of five thousand (5000) square feet of land, not including road and driveways, for each site. Land supporting wetland vegetation and land below the normal high water line of a water body shall not be included in calculating land area per site.
 - 2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings, shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy five (75) feet, horizontal distance, from the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland. *(Amended 11/10/09)*

- (b) Individual, private campsites not associated with campgrounds are allowed provided the following conditions are met:
1. One campsite per lot existing as of November 1, 1991, or 30,000 square feet of lot area within a shoreland area, whichever is less, may be permitted.
 2. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite privately. *(Amended 06/14/16)*
 3. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back 100 feet, horizontal distance, from the normal high water line of a great pond classified GPA, or a river flowing to a great pond classified GPA, and 75 feet, horizontal distance, from the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland. *(Amended 11/10/09)*
 4. Only one recreational vehicle shall be allowed on a campsite. A recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and nothing except a canopy shall be attached to the recreational vehicle. *(Amended 11/10/09)*
 5. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1,000) square feet. *(Added 11/10/09)*
 6. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
 7. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred twenty (120) days per year, and not serviced by public sewage facilities, a sewage disposal system shall be installed in compliance with the **State of Maine Subsurface Wastewater Disposal Rules**.
- (5) Reserved.
- (6) Erosion and Sedimentation Control *(Extensively revised 11/10/09)*

On slopes greater than 25%, there shall be no grading or filling within 100 feet of the normal high water mark except to protect the shoreline and prevent erosion.

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

(7) Mineral Exploration and Extraction

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface, except that

exploration which exceeds the above limitation may be permitted by the Code Enforcement Officer. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures so as to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

- (a) The activity is carried out in accordance with a site plan approved by the Planning Board in accordance with Article XII. The site plan shall include a reclamation plan and shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of (c) below.
- (b) No part of any extraction operation, including drainage and runoff control features, shall be permitted within 100 feet, horizontal distance, of the normal high water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within 75 feet, horizontal distance, of the normal high water line of any other water body, tributary stream, or upland edge of a wetland. Extraction operations shall not be permitted within 75 feet, horizontal distance, of any property line, without written permission of the owner of such adjacent property. *(Amended 11/10/09)*
- (c) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - 1. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered.
 - 2. The final grade slope shall be two and one-half to one (2-1/2:1) slope or flatter. *(Amended 11/10/09)*
 - 3. Topsoil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- (8) Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High Water Line of a Water Body or Within a Wetland, and Shore Stabilization

In addition to Federal or State permits which may be required for such structures and uses, piers, docks, wharves, breakwaters, causeways, marinas, bridges over 20 feet in

length, and uses projecting in water bodies shall conform to the following standards: (All references to Inner Harbor, Outer Harbor, and Coastal Harbor shall mean those areas as defined in the Harbor Rules and Regulations of the Town of Camden.)

(8A) General Standards

- (a) No more than one pier, dock, wharf or similar structure extending or located below the normal high water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 9(a), a second structure may be allowed and may remain as long as the lot is not further divided.
- (b) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- (c) The location shall not interfere with existing development or natural beach areas.
- (d) The facility shall be located so as to minimize adverse effects on fisheries.
- (e) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet.
- (f) No new structure shall be built on, over or abutting a pier, wharf dock or other structure extending beyond the normal high water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.
- (g) New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the *Natural Resources Protection Act*.
- (h) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- (i) Vegetation may be removed in excess of the standards in Section (14) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.
 - (a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment access way must be restored.

(b) Revegetation must occur in accordance with Section (17).

(j) A deck or river may be exempted from the shoreland setback requirements if it is part of a downtown revitalization project that is defined in a project plan approved by the legislative body of the municipality, and may include the revitalization of structures, formerly used as mills that do not meet the structure setback requirements, if the deck meets the following requirements:

- (a) The total deck area attached to the structure does not exceed 700 square feet.
- (b) The deck is cantilevered over a segment of a river that is located within the boundaries of the downtown revitalization project.
- (c) The deck is attached to or accessory to an allowed commercial use in a structure that was constructed prior to 1971 and is located within the downtown revitalization project.
- (d) The construction of the deck complies with all other applicable standards, except the shoreline setback requirements in section 15(B); and
- (e) The construction of the deck complies with all other state and federal laws.

(8B) Piers:

- (a) Height of walkway of piers and wharves in the shoreland area adjacent to the Inner Harbor and Outer Harbor areas as defined in the Harbor Rules and Regulations of the Town of Camden shall not exceed six feet above mean high water. In the shoreland area adjacent to the Coastal Harbor, the height shall not exceed ten feet above mean high water.
- (b) The maximum width of the walkway of the pier in the shoreland area adjacent to the Coastal and Outer Harbor areas shall not exceed 4' (four feet). The overall width of the pier at the walkway shall not exceed 6' (six feet). Piers and wharves in the shoreland area adjacent to the Inner Harbor area shall not exceed 12' (twelve feet) in width. The width of the base of the pier shall be in conformance to standard engineering practices.
- (c) Fender pilings, bollards, railings, or other accessory structures which extend above the walkway or a pier or wharf shall be limited to a height of 6' (six feet) above the walkway. Railings shall be substantially open in construction to minimize visual interference from both shore and water.
- (d) No pier shall be constructed within 30' (thirty feet) (horizontal distance) of the point where the property line intersects the Harbor line in the shoreland area

adjacent to the Coastal and Outer Harbor areas. In the Inner Harbor area there shall be no required setback except where a business district abuts a residential district in which case the setback shall be 10' (ten feet) from the line between the two districts.

- (e) No pier shall be built within 300' (three hundred feet) as measured along the shoreline from an existing or from an approved pier, wharf, or breakwater, except in the shoreland area adjacent to the Inner Harbor area of the Shoreland Zone where separation between piers shall not be less than 40' (forty feet) and, except where the Harbor Business District abuts a residential district, the separation between piers shall be no less than 20' (twenty feet)
- (f) The location of the structure or the use of the facility shall not conflict with the applicable sections of the Harbor Rules and Regulations of the Town of Camden.
- (g) No structures shall be permitted on piers, wharves, or breakwaters, except temporary structures and permanent non-building type structures allowed under the regulations of that District.
- (h) No filling is permitted beyond the officially established Harbor Line except in connection with construction of a municipal pier or boat ramp.

(8C) Consolidated Piers

- (a) Where permitted by the District Regulations section of this Ordinance, consolidated piers shall comply with the following standards:
 1. Participating property owners shall have combined continuous, contiguous frontage of at least 600' (six hundred feet).
 2. The pier shall not be constructed within 30' (thirty feet) (horizontal distance along the shoreline) of the exterior property lines of the combined properties, as the pier intersects the harbor line.
 3. The maximum width of the walkway of the pier shall not exceed 6' (six feet). Height of the walkway shall not exceed 6' (six feet) above mean high water. In the shoreland area adjacent to the Coastal Harbor, the height shall not exceed ten feet above mean high water.
 4. The width of the base of the pier shall be in conformance with standard engineering practice.
 5. No pier shall be constructed within 300' (three hundred feet) as measured along harbor line from an existing or from an approved pier, wharf, breakwater, or other similar construction.

6. Construction of a pier shall not be such as to substantially impede the public's right of passage over the shores and flats.
7. Where two or more property owners combine to participate in a consolidated pier under this provision, common use easements shall be provided for the use of the pier.
8. Pier rights on contributing properties shall be relinquished by the property owners in a written instrument.
9. Recordable instruments or agreement on cross-easements shall be submitted with the application and certified by the applicant(s) in writing to the Planning Board.

(b) Procedure

In addition to those called for under the Site Plan Review section of this Ordinance, the following procedures will be followed for consolidated piers:

1. Application shall be made to the Code Enforcement Officer
 - (i) Property shall be identified as for site plan review
 - (ii) Proof of ownership shall be provided
 - (iii) A copy of the written agreement between the participants shall be submitted with the application.
2. The application will be referred to the Planning Board for approval under the site plan review section of this Ordinance. The Planning Board shall obtain input from the Harbor Committee, and may solicit information from the Conservation Commission, as well as other appropriate Town officials and committees. All federal and state permits shall have been obtained prior to making the application to the Town.

(8D) Bulkheads

- (a) After all applicable Federal and State permits have been obtained, existing bulkheads may be repaired or replaced, providing the replacement or repair does not extend beyond the harbor line.
- (b) New bulkheads shall be constructed in conformance with generally accepted engineering practice subject to obtaining all applicable Federal and State permits. New bulkheads shall not extend beyond the harbor line.

(9) Lots and Structures

All land use activities within the shoreland area, except in the Downtown Business (B-1), the Transitional River Business (B-TR), the River Business (B-R), the Harbor Business (B-H) and the Transitional Harbor Business (B-TH) districts, shall conform with the space and bulk standards of the districts in which they are located or with the following standards, whichever are the stricter: *(amended – 11/14/06)*

(a) Minimum Lot Standards

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
Residential/per dwelling unit		
Along tidal waters	30,000	150
Along nontidal waters	40,000	200
Governmental, , Institutional, Commercial or Industrial/per principal structure <i>(Amended 11/10/09)</i>		
Along tidal waters	40,000	200
Along nontidal waters	60,000	300
Public and private recreational facilities		
Along all waters	40,000	200

- (b) Calculating minimum lot area: Land below the normal high water line of a water body or the upland edge of a wetland, and land beneath roads serving more than two (2) lots, shall not be included toward calculating the minimum lot area. *(Amended 11/10/09)*
- (c) Minimum width: The minimum width of any portion of any lot within 100 feet, horizontal distance, of the normal high water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
- (d) Separate tracts or parcels: Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land for purposes of calculating the lot area and dimensional requirements set forth in the Ordinance unless such road was established by the owner of land on both sides of that road after September 22, 1971.
- (e) Multiple structures: If more than one (1) residential dwelling unit or more than one (1) principal, governmental, institutional, commercial or industrial structure or use is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure or use, except for dwelling units, or commercial or industrial structures located in the Downtown Business (B-1), the Transitional River Business (B-TR), the River Business (BR), and the Harbor Business (B-H) districts. *(Amended 11/10/09)*

- (f) Lodging facilities: In the event that lodging facilities are permitted or are permitted as a special exception in the zoning district, then any such lodging facilities located in the shoreland area of the zoning district shall be allowable provided that all applicable standards contained in this Ordinance are met, including the residential shore frontage and minimum lot size requirements for each rental unit. Lodging facilities located in the Downtown Business, Transitional River Business, River Business, and Harbor Business Districts are exempt from this provision.
- (g) Lowest floor elevation: The establishment of the lowest floor elevation or openings of all buildings and structures and including basements, located in a shoreland area shall comply with the requirements and provisions of the Flood Plan Management Ordinance of the Town of Camden, being Chapter IV of the Camden Code. *(Amended 11/10/09)*
- (h) Ground coverage: The total footprint area of all structures, parking lots and other nonvegetated surfaces on a lot shall not exceed twenty per cent (20%) of the lot or a portion thereof located within the shoreland area, including land area previously developed; except in the Harbor Business (B-H), the Transitional River Business (B-TR), the Downtown Business (B-1), and the River Business (B-R) districts. *(Amended 11/10/09)*
- (i) Stairways: Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided that the structure is limited to a maximum of four feet in width, that the structure does not extend below or over the normal high water line of a water body or upland edge of a wetland (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C), and that the applicant demonstrates that no reasonable access alternative exists on the property. *(Amended 11/10/09)*
- (j) Nearest horizontal distance – water bodies, tributary streams & wetlands: The nearest horizontal distance of all new principal and accessory structures shall be set back from the normal high-water line as follows:

Natural Resources Protection*	250 feet
Rural 1, Rural 2, Rural Recreation, Coastal Residential, Village Extension, and Traditional Village districts	75 feet
River Business (B-R) district	30 feet

- * Except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply. *(Amended 11/10/09)*

Nearest horizontal distance – Great Ponds: The nearest horizontal distance from the normal high-water line of a great pond classified GPA to the nearest point of all new

principal and accessory structures, or substantial expansions of legally existing non-conforming buildings or structures, within the shoreland area in any zoning district shall be set back at least 100 feet, horizontal distance, from the normal high-water line. *(Amended 11/10/09)*

Nearest horizontal distance – Coastal Wetlands: When the nearest horizontal distance from the apparent edge of a coastal wetland to a proposed project is less than 85 feet by visual inspection, the edge of the coastal wetland shall be determined by a Maine licensed surveyor, according to the definition of Coastal Wetland in Article III. *(Amended 6/15/10)*

Coastal Bluffs: Further, water and wetland setback measurements for principal structures shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant may at his or her own expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the Board of Appeals. *(Added 11/10/09)*

Substantial Expansion: For purposes of this subsection, a substantial expansion of such a building or structure shall be an expansion which increases either the volume of floor area by thirty (30) percent or more. This setback shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks, and retaining walls, nor to other functionally water-dependent uses. This subsection is not intended to prohibit a less than substantial expansion of a legally existing non-conforming structure, provided that the expansion does not create further non-conformity with the water setback requirement. This subsection does not apply to the setback requirements in the Harbor Business (B-H) district and in the Harbor Business district. An expansion of a legally existing non-conforming building or structure which is less than a substantial expansion is prohibited unless allowed by the provisions of Article VIII, Section 12 (e) (2). *(Amended third sentence – 11/9/04)*
(Amended second sentence 11/10/09)

Setbacks from Great Ponds classified GPA: In addition, notwithstanding any other provision of this Ordinance, new principal and accessory structures, and substantial expansions of legally existing non-conforming buildings and structures, within the shoreland area in any zoning district shall be set back at least 100 feet, horizontal distance, from the normal high water line of any great pond classified GPA and rivers that flow to great ponds classified GPA. *(Amended 11/10/09)*

- (k) The minimum lot size in the Village and Village Extension Districts shall be 10,000 square feet, when the entire lot is at least 75 feet from the normal high water mark and public sewer is available. *(New 6/20/06)*

- (l) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill, provided all of the following conditions are met:
1. The site has been previously altered and an effective vegetative buffer does not exist;
 2. The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 3. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 4. The total height of the wall(s), in the aggregate, are no more than 24 inches;
 5. Retaining walls are located outside the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils;
 6. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
 7. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - Vegetation plantings must be in plantings sufficient to retard erosion and provide for effective infiltration of storm water runoff;
 - Only native species may be used to establish the buffer area;
 - A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
 - A footpath not to exceed the standards in Article X, Part 1, Section 1, (14) (b) (1) may traverse the buffer. *(Section added 11/10/09, amended 6/15/10)*
- (10) Roads, Driveways, and associated drainage systems, culverts and related features
(Amended 11/10/09)
- (a) Road crossings of watercourses shall be kept to the minimum number necessary.
 - (b) Bottoms of culverts shall be installed at stream bed elevation.
 - (c) All cut or fill banks and areas of exposed mineral soil shall be revegetated or otherwise stabilized as soon as possible.

(d) Bridges or culverts of adequate size and design shall be provided for all road crossings of watercourses which are to be used when surface waters are unfrozen.

(e) Roads and Driveways *(Amended 11/10/09)*

1. New roads and driveways shall be set back at least one hundred (100) feet, horizontal distance, from the normal high water line of a great pond classified GPA or a river that flows to a great pond, classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland, unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant to the Board that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland. *(Amended 11/10/09)*

This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of this section except for that portion of the road or driveway necessary for direct access to the structure. *(Amended 11/10/09)*

On slopes greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent. *(Added 11/10/09)*

2. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from the water body or wetland.
3. New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland. *(Added 11/10/09)*

4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control. *(Added 11/10/09)*
5. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet. *(Added 11/10/09)*
6. In order to prevent road and driveway surface damage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed and maintained to empty onto an unscarified buffer strip at least fifty (50) feet plus two times the average slope in width, between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip. *(Added 11/10/09)*
7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway or ditch. To accomplish this, the following shall apply:
 - (a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

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

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

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

(Added 11/10/09)

- 8. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning. *(Added 11/10/09)*

(10A) Parking Areas *(Added 11/10/09)*

- (a) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the parking district in which such areas are located except that in the B-H district parking areas shall be set back at least twenty-five (25) feet, horizontal distance, from the shoreline. The setback requirements for parking areas serving public boat launching facilities in districts other than the B-H district shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
- (b) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain runoff on-site.
- (c) In determining the appropriate size of proposed parking facilities, the following shall apply:
 - i. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - ii. Internal travel aisles: Approximately twenty (20) feet wide.

(11) Septic Waste Disposal

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

- (a) Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland, and
- (b) A holding tank is not allowed for a first-time residential use in the shoreland zone.
(Amended 11/10/09)

(12) Timber Harvesting *(Amended 11/10/09)(Repealed per 38 M.R.S.A. § 438-B, (5) 1-1-2013)*

The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. § 438-B, (5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A. § 438-B, (5), Article X, Part 1, Section 1, (12) is repealed. *(Added 11/10/09)*

- (13) The subdivision of land containing less than 750 feet of shoreline and within the 250 feet shoreland area, must provide at least one right-of-way 25 feet in width to water for community use. The subdivision of 750 feet or more of shoreline must provide a 50 foot right-of-way to water for community use for each 750 feet of shoreline. Land in the Downtown Business (B-1), the Transitional River Business (B-TR), the River Business (BR), and the Harbor Business (B-H) districts shall be exempt from this standard.

- (14) Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting
(Entire section amended 11/10/09)

- (a) In a shoreland area zoned as a Natural Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending seventy-five (75) feet, horizontal distance, inland from the normal high water line, except to remove hazard trees as described in (15) below..

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

- (b) Except in areas as described in paragraph a, above, within a strip of land extending 100 feet, horizontal distance, inland from the normal high water line of a great pond classified GPA or a river flowing to a great pond classified GPA, or within a strip of land extending 75 feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

1. There shall be no cleared opening or openings greater than two hundred fifty (250) square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created..
2. Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained.
3. In order to protect water quality and wildlife habitat, adjacent to great ponds, and streams and rivers which flow to great ponds, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff

layer, shall not be cut, covered or removed, except to provide for a footpath or other permitted uses as described in this section.

4. Pruning of tree branches on the top 2/3 of the tree is prohibited.
 5. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with (15) below, unless existing new tree growth is present.
 6. In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of (14) (b) above.
- (c) At distances greater than 100 feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and at distances greater than 75 feet, horizontal distance, from the normal high water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be permitted on any lot, in any 10 year period, selective cutting of not more than forty (40) percent of the volume of trees, four (4) inches or more in diameter, measured 4-1/2 feet above ground level. Tree removal in connection with the development of permitted uses shall be included in the forty (40) percent calculation. For purposes of these standards, volume may be considered to be the equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate 25% of the lot area or 10,000 square feet, whichever is greater, including land previously cleared. This provision applies to the portion of a lot within the shoreland zone, including the buffer area but shall not apply to the Downtown Business (B-1), the Transitional River Business (B-TR), River Business (BR), and the Harbor Business (B-H) districts.

- (d) Legally existing nonconforming cleared openings in existence on the effective date of this Ordinance may be maintained, but they shall not be enlarged, except as permitted by this Ordinance.
 - (e) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under this section.
- (15) Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

- (1) Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

- (a) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new tree growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.
 - (b) Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (inches) in diameter, measured at four and one half (4.5) feet above the ground level. If new tree growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.
 - (c) The removal so standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does to result in the creation of new lawn area, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.
 - (d) The Code Enforcement Officer may require the property owner submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
 - (e) The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.
- (2) Storm-damaged trees in shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
- (a) Within the shoreline buffer, when the removal of storm-damaged trees result in a cleared opening in the tree canopy greater than two hundred fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

- (i) The area from which storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
 - (ii) Stumps from the storm-damaged trees may not be removed;
 - (iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and
 - (iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.
- (b) Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

(16). Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Article X, Part I, Section 1, (14), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

- (1) The removal of vegetation that occurs at least one every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Article X, Part I, Section 1, (14) apply:
- (2) The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of Article X, Part I, Section 1, (9) (i) are not applicable;
- (3) The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
- (4) The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of Article X, Part 1, Section 1, (2) are complied with;
- (5) The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development

district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant to 38 M.R.S.A. section 343-E, and that is located along;

- (a) A coastal wetland; or
 - (b) A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A. section 465-A
- (6) The removal of non-native invasive vegetation species, provided the following minimum requirements are met;
- (a) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that the wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
 - (b) Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
 - (c) If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

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

- (7) The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.
- (17) Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Article X, Part I, Section 1, (14), to address the removal of non-native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements:

- (1) The property owner must submit a revegetation plan, prepared with and signed by a qualified professional that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
- (2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed.
- (3) If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
- (4) Revegetation activities must meet the following requirements for tree and saplings:
 - (a) All trees and saplings removed must be replaced with native noninvasive species;
 - (b) Replacement vegetation must at a minimum consist of saplings;
 - (c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
 - (d) No one species shall make up 50% or more of the number of trees and saplings planted;
 - (e) If revegetation is required for shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where tree saplings were removed, then trees or saplings must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
 - (f) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) year period.
- (5) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height.
 - (a) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;

- (b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide the effective infiltration of storm water;
 - (c) If more than three (3) wood vegetation plants are to be planted, then at least three (3) different species shall be planted;
 - (d) No species shall make up 50% or more of the number of planted woody vegetation plants; and
 - (e) Survival of planted woody vegetation and vegetation under three (3) feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.
- (6) Revegetation activities must meet the following requirements for ground vegetation and ground cover;
 - (a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of storm water;
 - (b) Where necessary due to a lack of ground cover, an area must be supplemented with a minimum of four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide effective infiltration of storm water;
 - (c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with standards contained within this chapter for minimum of five (5) years.
- (18) Storm Water Runoff
 - (a) All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.
 - (b) Storm water runoff systems shall be maintained as necessary to ensure proper functioning.
- (19) Essential Services
 - (a) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

- (b) The installation of essential services, other than road-side distribution lines, is not permitted in a Natural Resource Protection or Stream Protection District except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts. *(Amended 11/10/09)*
- (c) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit. *(Added 11/10/09)*

(20) Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon an analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, and presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist. *(Amended 11/10/09)*

(21) Commercial and Industrial Uses

- (a) The following new commercial and industrial uses are prohibited within the shoreland area adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA: *(Amended 11/10/09)*
 - 1. Auto washing facilities
 - 2. Auto or other vehicle service and/or repair operations, including body shops
 - 3. Chemical and bacteriological laboratories
 - 4. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
 - 5. Commercial painting, wood preserving, and furniture stripping
 - 6. Dry cleaning establishments
 - 7. Electronic circuit assembly
 - 8. Laundromats, unless connected to a sanitary sewer
 - 9. Metal plating, finishing, or polishing

10. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
11. Photographic processing
12. Printing

(b) For the purposes of this Ordinance lobster, scallop, mussel and similar fishing activities shall not be considered a commercial activity provided that:

1. The activity involves only one boat which is less than forty (40) feet in length;
2. The operation employs no more than two (2) persons including the owners; and
3. No wholesale or retail sales of the catch occurs on-site unless conforming to the standards of a home occupation.

(22) Water Quality

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

(Amended 11/10/09)

(23) Archaeological Sites

In the event that a proposed land use activity involves structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the Maine Historic Preservation Commission list, then the permitting authority shall submit a notice of that land use activity to the Maine Historic Preservation Commission for review and comment at least twenty (20) days prior to action by that permitting authority on the application. The permitting authority shall consider any comments received from the Commission prior to rendering a decision on the application. *(Amended 11/10/09)*

(24) Meaning of "Well-Distributed Stand of Trees" and "Other Vegetation"

(Entire section amended 11/10/09)

For purposes of this section of the Ordinance, a "well-distributed stand of trees" adjacent to a great pond classified GPA or adjacent to a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in any 25-foot by 50-foot (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4 1/2 Feet Above Ground Level (inches)	Points
2 - <4 in.	1
4 - <8 in.	2
8 - <12 in.	4
12 in. or greater	8

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

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

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

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

The following shall govern in applying this point system:

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

For purposes of this section of the Ordinance, "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than (2) inches in diameter at four and one-half (4 ½) feet above ground level for each 25-foot by 50-foot rectangular area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until five saplings have been recruited into the plot.

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

Part I, Section 2. High Elevation Areas

(1) Applicability

This section applies to lands more than 500 feet above mean sea level, as shown on the High Elevation Areas map located in the Code Enforcement Office. Land uses in high elevation areas shall be limited to residential, agricultural, forest management, and nonintensive recreational activities, except that within the Rural Recreation District, ski trails and related facilities also shall be allowed.

(2) Special Space and Bulk Standards

- (a) Notwithstanding the requirements of Article VIII, District Regulations, and Article IX, Open Space Zoning, lots wholly in high elevation areas shall not be clustered in the pattern of open space residential development.
- (b) For lots wholly within the high elevation area, the minimum lot size in the Rural-1 District shall be 7 acres, with a maximum residential density of one unit per 7 acres; and the minimum lot size in the Rural-2 District shall be 4 acres, with a maximum residential density of one unit per 4 acres. Elsewhere, the minimum lot size shall be 3 acres, with a maximum residential density of one unit per 3 acres.
- (c) Maximum ground coverage of that portion of the lot in a high elevation area shall be five percent.

(3) Special Performance Standards

- (a) In addition to all other applicable performance standards in this ordinance, the following special performance standards shall apply in high elevation areas in all districts except the Rural Recreation District.
- (b) Except as provided in paragraphs (c) and (d) below, existing vegetation shall be retained as a natural visual screen between structures located more than 500 feet above mean sea level and public roadways below this level.
- (c) Existing vegetation may be removed to allow driveway access, not to exceed 20 feet in width, to structures.
- (d) Tree cutting for noncommercial or forest management purposes is permitted, provided that no more than 40 percent of existing trees five or more inches in diameter, measured two feet above the ground, are removed from any contiguous stand or grouping of trees. In no case shall the area of continuous clearing exceed 7,500 sq. ft.
- (e) No development, tree cutting, or clearing of land shall be allowed on slopes which are in excess of 25 percent in their natural state. Roads, driveways, or other access ways shall not be constructed on slopes which are in excess of 25 percent in their natural state, either in high elevation areas or en route to high elevation areas.
- (f) The highest point of any structure in a high elevation area within 1,000 feet of any segment of a ridge line shown on the High Elevation map on file in the Town Office shall be at least 10 feet below the elevation of said segment. If the site is wooded, the height of the structure shall not exceed 75 percent of the average height of the tree canopy within a 100-foot radius of the proposed building site.

- (g) Any structure built in a high elevation area shall be finished with materials and colors that blend into the natural setting so as to minimize visual impacts.

Part I, Section 3. Historic Areas

(1) Applicability

This Section applies to lots designated as historic and so identified on the Historic Areas Overlay Map in the Code Enforcement Office. In general, these areas shall consist of properties listed on the National Register of Historic Places.

(2) Special Performance Standards

In addition to all other applicable performance standards in this Ordinance, all projects proposed by the Town or by the state or federal governments that affect properties within the designated Historic Areas shall be reviewed for the Selectmen by the Historic Resources Committee, and no such project shall proceed without the authorization of the Selectmen. The Committee shall evaluate the impact of such projects using the current edition of the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

Part II. Performance Standards Generally

Part II of Article X contains performance standards applicable generally in the Town. The performance standards contained in this Part shall apply to all uses and activities in the Town, unless otherwise specified, whether or not specific approval or a permit is required.

Part II, Section 1. Environmental

(1) Sewage Disposal

Any use which relies on the soils for treatment of wastewater shall comply with the requirements of the Maine State Plumbing Code. The discharge of wastewater other than to soils shall be to the public sewer system in compliance with the Town Sewer Ordinance or to another system in compliance with the regulations of the Maine Department of Environmental Protection.

(2) Soils and Earth-Moving

(a) Erosion Control

No person shall perform any act or use of the land in a manner which could cause substantial or avoidable erosion or significantly alter existing patterns of natural water flow in the Town.

(b) Excavation and Extraction of Minerals

Any excavation or filling of land or extraction of minerals causing the removal or filling of earth in volumes exceeding one hundred (100) cubic yards in a period of one (1) year shall require an excavation permit from the Code Enforcement Officer. If the excavation or filling affects an area greater than 10,000 sq. ft. within a five-year period, site plan review also shall be required.

Standards for granting of a permit for extraction of minerals or excavation or filling of land are as follows:

- (i) The activity will not create a condition adversely affecting the natural drainage of the land;
- (ii) No excavation shall be extended below the grade of adjacent streets unless 100 feet from the street line or unless provision has been made for reconstruction of the street at a different level;
- (iii) Sufficient topsoil or loam shall be retained to cover all excavated areas, so that they may be seeded and restored to natural conditions;
- (iv) No topsoil shall be removed, except for approved construction and landscaping, from lands which, due to their soil characteristics, are identified as prime farm land.

The excavation or filling of earth for driveways, septic systems, or foundations in connection with projects that also require a building permit are excluded from the requirement of obtaining an excavation permit from the Code Enforcement Officer.

(3) Storm Water Drainage

- (a) Storm water drainage systems shall be designed to minimize the volume and rate of outflow from the development.
- (b) Design, construction, and maintenance of drainage facilities shall accommodate at a minimum, a 25-year storm frequency of 2-hour duration.

(4) Dust, Fumes, Vapors, and Gases

Emission of dust, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission shall comply with applicable Federal and State regulations.

(5) Odors

No land use shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines either at ground or habitable elevation.

(6) Glare

No land use shall be permitted to produce a stray, dazzling light or reflection of that light beyond its lot lines onto neighboring properties, or onto any public way so as to impair the vision of the driver of any vehicle upon that way.

(7) Wetlands

The Code Enforcement Officer may require a certified wetlands plan, performed by a qualified soils scientist at the expense of the applicant for a building or use permit, to be submitted for any activity which takes place on a lot containing a wetlands.

Part II, Section 2. Keeping of Animals

(1) Two and One-half Acres or More *(Amended 06/17/09)*

Animals incidental to residential activities may be kept; provided, however, that animals such as horses, cattle, goats, sheep, llamas, pigs, turkeys, ducks, roosters or more than a total of 9 hens and/or rabbits shall not be kept on a premise having a lot area less than two- and one-half acres, and shall be kept no closer than 50 feet to any property line.

(2) Less than Two and One-half Acres *(Added 06/17/09)*

No more than nine small animals such as hens and/or rabbits may be kept incidental to residential activities, provided the animals are kept as pets or for personal use only. Slaughtering and the sale of meat, eggs or fertilizer for commercial purposes is prohibited. At all times, animals shall be contained in housing and pens which shall meet a minimum setback requirement of 15 feet and shall not be located in a front yard area.

Part II, Section 3. Screening and Landscaping

(1) General Standards

- (a) For the purpose of this Ordinance, a canopy tree is a tree that reaches at least 35 feet in height at maturity. Canopy trees are used to help create identity and establish the character of an area, to help define large spaces, and to provide shade in the hotter months of the year. An evergreen tree is at least 35 feet at maturity. Evergreen trees are used to create year-round interest with their dominant forms and color, to screen or direct views, act as windbreaks, and to provide a backdrop for other elements of a site. An understory tree reaches 10 feet to 35 feet at maturity. Understory trees are used to provide eye-level landscaping features, to define minor spaces, and to provide a variety of form, color and accents to a site. Shrubs have mature heights of two to ten feet. They are used to form physical

and visual barriers, add seasonal interest and color, and help define the scale and location of buildings.

- (b) The plant materials defined in paragraph (a) shall meet the following minimum size standards at time of installation, with calipers measured at dbh (diameter at breast height):

i.	Canopy trees	1 1/2" caliper
ii.	Evergreen trees	4' height
iii.	Understory trees	1 1/2" caliper
iv.	Shrubs	18" height

- (c) Plants required by this Section that die shall be replaced within one growing season.

(2) Parking Areas

(a) Interior Landscaping

1. In addition to required perimeter landscaping, at least five percent of the gross area of all parking lots with twelve or more parking spaces shall be landscaped. Parking lots and parking garages in B-1, B-TR and B-H shall be exempt from this requirement.
2. The required interior landscaping shall include a minimum of one canopy tree, one understory tree, and five shrubs for every twelve parking spaces or fraction thereof. For every mature canopy tree that exists on the proposed site of a parking lot prior to the parking lot's development and that is retained and integrated into the parking lot's design, the number of required new canopy and/or understory trees may be reduced by two. If any such retained tree dies within five years of the date of the building permit issued for the development, it shall be replaced with two canopy trees meeting the standard of this Ordinance.
3. The landscaping shall be:
 - i. in planting areas at least 10 feet wide and located to demarcate the ends of parking rows and to channel pedestrian circulation;
 - ii. located to break up parking areas into smaller areas of no more than 50 parking spaces each; and
 - iii. designed to accommodate snow plowing and storage without damage to the plants and trees.

(b) Perimeter Landscaping

1. Abutting a public right-of-way

Where a parking area that includes five or more parking spaces abuts a public right-of-way, a continuous landscaped strip shall be established between the right-of-way boundary line and the parking area and shall be maintained in good condition. It shall be at least 6 feet wide and may be interrupted only by a driveway meeting the standards of this Ordinance. It shall be planted with at least one canopy tree per 35 linear feet of street frontage or fraction thereof exclusive of the width of the driveway. The plantings shall be designed and located so as not to interfere with sight distance along the right-of-way and traffic safety.

2. A parking facility or a parking area serving a nonresidential use abutting a residential district or lot in residential use

Where a parking facility or a parking area serving a nonresidential use abuts a residential district or a lot wholly or partially in residential use, a continuous landscaped buffer at least 10 feet wide shall be provided and maintained in good condition. The buffer may be interrupted only by a single pedestrian pathway at each abutting property line no more than five feet wide. The landscaped strip shall include, for each 100 feet of length, a minimum of two canopy or evergreen trees, four understory trees, and six shrubs. For every mature canopy or evergreen tree existing in the area prior to construction of the parking lot and preserved within the buffer area, the required number of new trees may be reduced by two. If any such retained tree dies within five years of the date of the building permit issued for the development, it shall be replaced with two canopy trees meeting the standard of this Ordinance.

3. A commercial parking garage above street level shall be exempt from any perimeter landscaping.

(3) Multifamily , Congregate, and Nonresidential Uses Abutting Residential Uses or District

(a) The required side and back yards of nonresidential uses that abut properties in residential district, or of multifamily or congregate uses that abut properties in single family residential use, shall be retained in their natural vegetated state to the maximum extent possible to provide a visual screen between uses.

(b) Where natural buffering does not exist, or is not possible to be retained, or is not sufficient to achieve an effective visual screen, the required side and back yards shall be landscaped to provide a visual screen between uses. The buffer shall be a minimum of 6 feet wide and may be interrupted only by a single pedestrian pathway at each abutting property line no more than five feet wide. The buffer shall include, for each 100 feet of length, a minimum of two canopy or evergreen

trees, four understory trees, and six shrubs. For every mature canopy or evergreen tree existing area prior to the development and retained within the buffer area, the required number of new trees may be reduced by two. If any such retained tree dies within five years of the date of the building permit issued for the development, it shall be replaced with two canopy trees meeting the standard of this Ordinance.

(4) Front Yards of Multifamily, Congregate, and Nonresidential Uses

The required front yards of multifamily, congregate, and nonresidential uses shall be maintained in a landscaped condition.

(5) Exposed Areas and Areas for Commercial Outdoor Storage of Boats

Exposed storage areas, areas for commercial outdoor storage of boats, exposed machinery installation, sand and gravel extraction operations, and areas for the storage or collection of discarded or uninspected vehicles, auto parts, metal or any other articles of salvage or refuse, shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on surrounding properties. At a minimum, the screening shall include a dense evergreen hedge six feet or more in height. All such plantings shall be maintained as an effective visual screen. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and be maintained in good condition.

(6) Low Impact Uses

The perimeters of parking lots on the sites of low impact uses, as required by Article X, Part II, Section 3 shall be landscaped to the same standards established for other parking lots, as set forth in this Section.

Part II, Section 4. Off Street-Parking and Loading Standards

(1) Off-Street Parking Requirements

(a) Off-street parking and loading shall be provided in accordance with the requirements of paragraphs (b) and (c) and subsection (4) for each project requiring a permit under Article V, Section 2(1) or Section 2(2) of this Ordinance (except as excluded from that requirement by Article V, Section 3).

(b) Off-street parking shall be provided and maintained in accordance with the following schedule:

1. Dwelling units

- i. Dwelling units, including mobile homes, but excluding accessory apartments:

2 spaces per unit
 - ii. Accessory Apartments:

1 space per unit
 - iii. Congregate housing:

1 space per unit
- 2. General business uses
 - i. The following shall require 1 space per 150 square feet of floor area:

Medical offices
 - ii. The following shall require 1 space per 250 square feet of floor area:

Retail establishments
Business and professional offices
Personal service establishments and banks
Sports and fitness centers
 - iii. The following shall require 1 space per 500 square feet of floor area:

Industrial, manufacturing, and warehousing uses
- 3. Lodgings
 - i. Motels and hotels:

1 space for each room offered for rent plus 3 spaces
 - ii. Inns and rooming houses:

1 space for each room offered for rent plus 2 spaces for each dwelling unit
- 4. Restaurants

1 space for each 4 seats in dining area plus 1 space for each 100 square feet of lounge, bar, and waiting area, plus 1 space for each exterior serving window

5. Commercial passenger vessels for hire, as defined in the Harbor and Waterways Ordinance, which require a victualer's license from the Town of Camden for the sale of food and/or drink.

1 space for each 4 passengers for which the vessel has capacity to serve

6. Schools

- i. Commercial schools:

1 space for each 3 students, based on the maximum number of students attending the school at any one period in the day

- ii. Day care centers and nursery schools:

1 space for each 6 children, based on the maximum number of children attending the facility at any one period in the day

- iii. Public and private schools providing instruction for students up to and including those 15 years of age:

1 space for each room used for purposes of instruction

- iv. Public and private schools providing instruction for students 16 years of age and over:

1 space for each 10 seats used for instruction or, if no fixed seats, 1 parking space for each 100 square feet used for purposes of instruction

7. Medical care facilities, excluding medical offices (see general business uses):

- i. Hospitals:

1 space for each 2 beds

- ii. Nursing and convalescent homes:

1 space for each 4 beds

8. Places of public assembly, theaters, halls

1 space for each 4 seats if fixed seating is provided; otherwise 1 space for each 100 square feet of area available for assembly

9. Churches

1 space for each 4 seats in principal assembly room; no additional parking spaces shall be required for other types of rooms, spaces, or uses

10. Campgrounds

1 space, plus 1 space for each site available for occupancy

Where a proposed use cannot be reasonably fit into one of the above categories, the Planning Board shall prescribe the required number of off-street parking spaces, based on projected use of and volume of traffic to the proposed facility.

(c) In computing the required off-street parking, the following rules shall apply:

1. The floor area used to determine the off-street parking requirement shall be the sum on the floors of the net floor area as defined in Article III.
2. If the number of parking spaces required is not a whole number, the partial space shall be counted as a whole space if the fraction is one-half or greater (e.g., 13.5 = 14 spaces; 13.4 = 13 spaces).
3. For buildings with two or more uses, the parking requirement shall apply to each use and the parking requirement for the building shall be the sum of the requirements for the individual uses.
4. In the case of an expansion of an existing building or structure, the required number of new spaces shall be the number of spaces required for the addition itself. The new spaces for the addition shall not be required to make up any deficit that may attend the original building or structure, if such building or structure was in lawful existence at the time of adoption of this Ordinance.
5. In the case of a change of use, the required number of spaces shall be the number of spaces required for the new use, except in the B-1 District. In the B-1 District, the required number of spaces shall be the number of spaces required for the new use itself minus the number of spaces which were required for the original use, whether or not such original use, if in lawful existence at the time of adoption of this Ordinance, actually provided its required number of spaces. Vacant or abandoned buildings or spaces, for which the original use cannot be determined, shall be deemed to have required 1 space per 350 square feet of gross floor area.

- (d) In no case shall the number, dimensions, location, or layout of off-street parking spaces or areas as authorized by a building permit or pursuant to a plan approved by the Planning Board or the Zoning Board of Appeals be altered without prior approval of the permit granting authority.
- (e) Off-street parking spaces used in the fulfillment of the requirements of this Section shall be available for use at all times and shall not be obstructed by trash receptacles, snow, leaves, or other debris, accessory structures or activities, or other obstacles that will prevent their use for off-street parking.
- (f) No off-street parking area presently in conformance with this Section shall be made nonconforming as to number, dimensions, location, or layout of spaces; and no off-street parking area that is presently lawfully nonconforming with respect to number, dimensions, location, or layout of spaces shall be altered such that the nonconformity is worsened.

(2) Methods of Meeting Parking Requirements

- (a) Off-street parking shall be provided by means of covered or uncovered spaces.
- (b) The location of off-street parking shall be in a parking facility located within 1000 feet of the principal use measured along lines of public roads.
- (c) The location of the required off-street parking shall conform to one or a combination of the following methods:
 - 1. The spaces are located on the same lot as the principal building or use; or
 - 2. The spaces are located on a different lot than the principal building or use and the lot is held in the same ownership as the principal lot and an affidavit by the owner establishing the ownership as of the date of submission is submitted to the Code Enforcement Officer; or
 - 3. The spaces are located on a different lot under different ownership and the spaces are leased to the principal use pursuant to paragraph (5)(d) (Terms of agreements and leases) of this Section; or
 - 4. The spaces are located in a parking lot serving another use and:
 - i. The spaces are leased to the principal use pursuant to paragraph (5)(d) of this Section, and
 - ii. The owner of the principal use who supplies the spaces conforms with the minimum parking requirement of this Ordinance, after deducting spaces leased to a second or alternate use; or

- iii. The Zoning Board of Appeals has approved the joint use of the parking spaces by 2 or more principal buildings or uses based upon a finding that the parking facility will substantially meet the intent of the parking regulations for each use by reason of variation in probable time of maximum use by patrons or employees among the various establishments, and
 - iv. Evidence of agreement between the parties jointly using the parking lot is submitted to the Code Enforcement Officer.
- 5. Upon application to the Zoning Board of Appeals the off-street parking requirement shall be waived for uses located in the Downtown, Transitional River Business, Harbor Business District and Transitional Harbor Business District if one of the following conditions has been met:
 - i. In the event that a special parking district is created pursuant to the laws of the State of Maine and approved by the Town, offering cooperative solutions to the need for off-street parking, and the property is a participant in the district and the Code Enforcement Officer finds that the property is in full compliance with the rules and regulations pertaining thereto; or
 - ii. The Code Enforcement Officer finds that the property is a participant in the Parking Trust Fund through the payment of a onetime fee, however, Zoning Board approval is not required for participants making annual payments to the Parking Trust Fund; or
(Amended 6/15/10)
 - iii. A private or public system is established for satellite off-street parking lots, a shuttle service or park-and-ride program, or similar program by which customers and employees may park their vehicles outside of the Downtown, Transitional River Business, and Harbor areas and be brought into the area by common transportation, and the Code Enforcement Officer finds that the use is a participant in such a system for as long as the use for which the parking is required is in place. To qualify as meeting the terms of this Ordinance, the satellite lot or lots and shuttle service must be available to the use for the same hours, days, and months as the use is open for public business.

If the satellite lot or lots and shuttle service are in the same ownership as, and are operated by, the owner or operator of the use in question, evidence of such ownership or operation in the form of an affidavit shall be submitted annually to the Code Enforcement Officer on the anniversary of the building permit for which the

parking spaces are required. If the satellite lot or lots or the shuttle service are in the ownership or control of another party, all leases and agreements for their use shall be for a term of not less than five (5) years, and no lapse, termination, or expiration of such leases and agreements shall create a lawful nonconforming situation, and evidence that such leases and agreements are in force shall be submitted annually to the Code Enforcement Officer on the anniversary of the building permit authorizing use of the satellite lot or lots and shuttle service. In no case shall the lapse of ownership pertaining to the satellite lot or lots or lapse of a shuttle or similar service create a lawful nonconforming situation.

In its review of an application for a waiver on account of participation on a satellite lot or lots and shuttle or similar service, the Zoning Board of Appeals may attach such conditions as it deems necessary to ensure that off-street parking is being provided and that the intent of this Ordinance is being met. The conditions may address areas such as, without limitation, a program to inform patrons of the availability of the satellite lot, provision of a safe drop-off point near the applicant's place of business or use, and the location of the satellite lot to be used.

(d) Terms of agreements and leases

Wherever a lease of parking spaces is used to meet the requirements of this section, the lessee of the spaces shall obtain a lease having a term of no less than 1 year, and in no case shall the lapse, termination, or expiration of the lease create a lawful nonconforming situation. The lease shall stipulate that the parking spaces will be in the continuous possession of the lessee and for the lessee's exclusive use, unless shared use of the parking spaces is otherwise authorized pursuant to paragraph (2)(c)4(iii) and (iv) of this Section.

(e) Evidence of compliance with parking requirements

The lease, agreement, or affidavit of ownership relating to use of a lot for parking other than the lot on which the principal building or use is located shall be submitted to the Code Enforcement Officer annually on the anniversary of the building permit authorizing the use for which the parking spaces are required, or upon the anniversary of any change of use, as evidence that the lease and/or agreement is in force and that the terms of this Section are continuing to be met. Failure to submit such evidence shall be a violation of this Ordinance (see Article V, Section 6, Penalties).

In addition to the requirements of Article X, Part II, Section 4 (2) (d), the lease relating to use of a lot for parking shall contain a provision requiring that the

Owner of the parking facility (Lessor) shall submit to the Lessee an annual list showing the number of leased spaces, the names of all Lessees, the expiration date of the leases, and the number of spaces available for lease, as evidence that the lease and/or agreement is in force and that the terms of this Section are continuing to be met. Failure of the Lessee to obtain such a list from the Owner (Lessor) and to submit that evidence to the Code Enforcement Officer by July 1 of each year shall cause the Lessee to be in violation of this Ordinance (See Article V, Section 6 - Penalties).

(3) Parking Facility Layout and Design

- (a) No parking space shall be located in a buffer zone or landscaped area required by this Ordinance. Roadways and drives shall be permitted to cross buffer zones and required landscaped areas only to provide access to parking areas. Such crossings shall follow the shortest practical route between the property line and the parking area. Internal circulation within a parking area shall not be located within a buffer zone or required landscaping area.
- (b) The following design standards shall apply to all parking areas for five or more vehicles:
 - 1. Access drives and aisles shall be laid out to provide clear and orderly traffic flow. The minimum width of each aisle between parking stalls shall be thirteen (13) feet for angle parking of forty-five (45) degrees or less, eighteen (18) feet when spaces are angled from forty-five (45) to sixty (60) degrees, and twenty-four (24) feet when spaces are angled sixty (60) to ninety (90) degrees from the aisle direction.
 - 2. Appropriate driveways from streets or alleys shall be provided. Multifamily residential and congregate housing uses shall be served by driveways no less than ten (10) feet wide nor more than twenty-five (25) feet wide, and no such driveway shall be located within one hundred (100) feet of the center of an intersection of two roads used by the public. Commercial and industrial uses shall be served by driveways no less than fifteen (15) feet wide nor more than forty (40) feet wide, and no such driveway shall be located within one hundred (100) feet of the center of an intersection of two roads used by the public. Where appropriate, a separation island may be placed in a driveway and the maximum width increased by the width of the island. Lots with less than 150 feet of frontage shall be limited to one driveway for access, while lots with 150 feet or more of frontage shall have not more than two.
 - 3. Parking spaces for residential uses shall be seventeen (17) feet long and eight (8) feet six (6) inches wide.

4. Parking spaces for non-residential uses shall be seventeen (17) feet long and eight (8) feet six (6) inches wide; provided, however, that in lots with more than 20 spaces, not more than 20% of the spaces may be reserved for small cars and these parking spaces reduced to sixteen (16) feet long and eight (8) feet wide.
 5. Parking spaces for industrial, warehouse and similar uses shall be at least seventeen (17) feet long and eight (8) feet six (6) inches wide. Motorcycle parking spaces at least ten (10) feet long and five (5) feet wide may be substituted for not more than 10% of the required parking.
 6. The parking area shall include screening and landscaping in conformance with Article X, Part II, Section 3.
 7. The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subbase consisting of at least ten (10) inches of well compacted gravel topped with a wearing surface at least equivalent in qualities of compaction and durability to fine gravel.
- (c) In the case of an existing unmarked parking lot, instead of following standards of subsection (b) above, the capacity of the existing parking lot may be determined by deducting the required buffer zone space from the total area available and dividing the resulting square footage by 300 square feet; calculations to be submitted to the Code Enforcement Officer and approved before spaces may be leased for off-premise parking requirements.

(4) Off-Street Loading Standards

Retail, wholesale, and industrial operations with a gross floor area of more than 5,000 sq. ft. shall provide one loading bay, with a minimum dimension of fourteen (14) feet by fifty (50) feet, for each 60,000 sq. ft. of floor area or fraction thereof. Any required bay or bays shall be in addition to the required off-street parking.

(5) Corner Clearance

For the purposes of traffic safety, no building or structure may be erected nor any vegetation other than canopy trees maintained above a height of three (3) feet within the triangle formed by the point of intersection of the center line of two intersecting roads and the two points located on the center line of the roads 40 feet from the point of intersection.

Part II, Section 5. Lots

(1) Corner Lots

Corner lots shall conform to the front yard requirements on each street and the side yard requirements between structures and the adjoining property on each street.

(2) Front Yard Averaging

The prescribed front setback may be lessened without a variance at the option of the property owner to conform with the average setback of existing buildings located in the same zoning district on immediately adjacent lots.

Part II, Section 6. Fences

Fences located within a required front, back or side setback area shall not exceed six feet in height.

Part II, Section 7. Home Occupations

- (1) The occupation or profession shall be carried on wholly within the principal building(s) and/or within building(s) or other structure(s) accessory thereto.
- (2) There shall be not more than one full-time or two part-time employees not resident in the place of business. This limitation on number of employees shall extend to all nonfamily employees working on the premises, but shall not extend to employees who do not work on the premises. Any employee working 30 hours or more in a week shall be considered full-time.
- (3) There shall be no exterior storage of materials, no exterior display or other exterior indications of the home occupation other than signs as allowed in Article XI, Section 11, (2), that shall contain no more than the name and business of the proprietor. There shall be no other variation from the residential character of the principal building.
- (4) No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbance shall be generated. In furtherance of the standard, no commercial or industrial machinery, ovens or other equipment normally associated with a commercial or industrial scale facility shall be used by a home occupation to process goods, materials, or foods.
- (5) A home occupation located in a Rural-1, Rural-2, Coastal Residential, Village Extension, or Traditional Village district shall not be permitted if it would generate more than a daily average of ten vehicular trip ends on week days, based on data contained in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers, or if it in fact generates more than an average of ten trip ends per day in any seven day period. Nor shall the home occupation make or receive shipments in trucks more than 3 times in a seven day period.
- (6) The home occupation shall not require, nor shall it provide, more than two off-street parking spaces in addition to the off-street parking spaces provided to meet the normal

requirements of the dwelling. The number of spaces required shall be based on the standards contained in Part II, Section 4 of this Article, or, if the type of use cannot be classified as one of the uses listed in Part II, Section 4, the number may be based on the average rates per 1,000 square feet of building area for peak parking spaces occupied as identified in the latest edition of "Parking Generation," published by the Institute of Transportation Engineers.

- (7) The home occupation shall not utilize more than 50% of the total floor area of the dwelling unit plus accessory structure(s).
- (8) The home occupation shall include the retailing only of items actually produced on the premises and of other items clearly incidental thereto.
- (9) Where more than one home occupation is carried on in a dwelling and/or its accessory structure(s), the standards contained herein relating to number of employees, signs and exterior appearance, traffic generated, and the percentage of floor space used shall apply cumulatively, such that all home occupations taken together shall not exceed the standards for one home occupation.

Part II, Section 8. Approval of State Fire Marshall

All businesses and all multifamily dwellings which contain two or more floors shall conform with State Law requirements concerning approval by the State Fire Marshall.

Part II, Section 9. Mobile Home Parks

All mobile home parks shall conform to the standards set forth in this section of Article X. Mobile home parks are also subject to the requirements of the Subdivision Ordinance of the Town of Camden and other applicable state laws, local ordinances and regulations. Notwithstanding the definition of "lot" to the contrary, the use of the term "mobile home park lot" refers to the leased area on which a mobile home is located.

(1) Placement of Units on Lots

Within a licensed mobile home park, which has been approved by the Planning Board in accordance with the Subdivision Ordinance of the Town of Camden, units of manufactured housing or older mobile homes shall be placed upon mobile home park lots. Each lot shall be occupied by only one unit of manufactured housing or by one older mobile home. Each such unit of housing shall be placed on a pad.

(2) Lot Requirements

Notwithstanding the minimum lot area requirements of Article VIII of this Ordinance, mobile home park lots in a mobile home park shall meet the following lot area and lot width requirements:

(a) Lots served by individual subsurface waste water disposal systems:

Minimum lot area - 20,000 square feet
 Minimum lot width - 100 feet

(b) Lots served by one or more centralized subsurface waste water disposal systems serving two or more dwelling units and approved by the Maine Department of Human Services:

Minimum lot area - 12,000 square feet
 Minimum lot width - 75 feet

(c) Lots served by a public sewer system:

Minimum lot area - 6,500 square feet
 Minimum lot width - 50 feet

Mobile home park lots located within any designated shoreland area shall meet the lot area, lot width and shore frontage requirements of the zoning district in which that lot is located, or the requirements for the shoreland area pursuant to Article X, Part I, Section 1(9), whichever are stricter.

(3) Overall Density

Notwithstanding the lot requirements set forth above, the overall density of any mobile home park served by a central, on-site, subsurface waste water disposal system approved by the Maine Department of Human Services shall not exceed one dwelling unit for each 20,000 square feet.

(4) Setbacks

On lots which abut a public way, either within the park or adjacent to the park, the individual manufactured housing unit or older mobile home unit shall be placed upon those lots in such a manner that the individual unit is set back from the public way according to the setback requirements applicable to other residential developments in the zoning district in which the mobile home lot is located.

On lots which are located in a shoreland area, the individual units shall be placed upon the lots in such a manner that the setback requirements, measured from the normal high water mark required in that zoning district, are met.

Individual units shall be so located on individual mobile home park lots that all parts of the structure of the individual unit are a minimum of fifteen feet from all boundary lines of the individual lot, and a minimum of thirty feet from any other unit; subject to the provision that such setbacks do not have the effect of requiring lots larger than the minimum lot areas set forth in paragraph 2 of this Section. Where a mobile home was

lawfully placed on a lot prior to the date of adoption of this Ordinance such that it does not meet these setbacks, it may be replaced by another mobile home in the same location on the lot, as long as the nonconforming aspect of the original placement is not worsened.

(5) Buffer Requirements

If a mobile home park is proposed within a residential district at a density which is at least twice the density of existing adjacent development, or at least twice the density permitted in the zoning district in which the mobile home park is proposed to be located in the event that the adjacent land is undeveloped, the mobile home park shall be designed with a fifty-foot wide buffer strip along the perimeter boundary lines of that property. The buffer strip shall be maintained as a landscaped area containing no structures. Roads may cross the buffer strip to provide access to the park, and to provide access to utilities.

Within the first twenty-five feet of the buffer strip, as measured from the exterior boundaries of the park, the buffer strip shall be improved and maintained in accordance with Article X, Part II, Section 3(3), Multifamily, Congregate Housing, and Nonresidential Uses Abutting Residential Uses or Districts, of this Zoning Ordinance.

(6) Open Space Reservation

For a mobile home park served by a public sewer system, an area equaling 10% of the combined area of the individual lots within the mobile home park shall be set aside and reserved as open space to meet the recreational and community needs of the residents of the mobile home park. The area reserved as open space shall be suitable for use by residents for recreational purposes, or for use by residents for storage. In addition, the area reserved for open space may be used for those uses specifically set forth in Article IX, Section 5(3) of this Zoning Ordinance. The reserved open space shall have slopes of less than 5%, shall not be located on poorly or very poorly drained soils, and shall be accessible directly from roads within the mobile home park.

(7) Road Standards

The layout, design and construction of roads within the park shall conform to the following standards:

- (a) The road system shall be designed to provide safe and convenient access to all lots within the park and shall provide for all-season emergency vehicle access to every unit in the park.
- (b) Roads within a mobile home park which the applicant proposes to dedicate as public ways shall be designed and constructed in accordance with the Article VI, Section 3, Design and Construction Standards of the Subdivision Ordinance.

- (c) Roads within a mobile home park which the applicant proposes to remain private ways shall meet the following minimum standards:
 - (1) The roads shall be designed by a professional engineer, registered in the State of Maine.
 - (2) The roads shall have a minimum right-of-way of twenty-three (23) feet.
 - (3) The roads shall have a paved travel surface with a minimum width of twenty (20) feet.
 - (4) The construction of these roads shall meet the standards of the Manufactured Housing Board.
- (d) The roads and lots shall be laid out so that no lot within the park shall have direct vehicular access onto a public street.
- (e) Any mobile home park expected to generate average daily traffic of two hundred (200) trips per day or more shall have at least two (2) street connections with existing public streets. Any street within a park with an average daily traffic of two hundred (200) trips per day or more shall have at least two (2) street connections leading to existing public streets, other streets within the park, or other streets shown on an approved subdivision plan.
- (f) The intersection of any street within a park and an existing public street shall meet the following standards.
 - (1) Angle of Intersection. The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.
 - (2) Maximum Grade within one hundred (100) feet of intersection. The maximum permissible grade within one hundred (100) feet of the intersection shall be 3 percent.
 - (3) Minimum Sight Distance. A minimum sight distance of ten (10) feet for every mile per hour of posted speed limit on the existing road shall be provided. Sight distances shall be measured from the driver's seat of a vehicle that is ten (10) feet behind the curb or edge of shoulder line with the height of the eye three and a half (3 1/2) feet above the pavement and the height of object four and a quarter (4 1/2) feet.
 - (4) Distance from other intersections. The centerline of any street within a park intersecting an existing public street shall be no less than one hundred twenty-five (125) feet from the centerline of any other street intersecting that public street.

- (g) Any application for approval of a mobile home park shall contain an estimate of the average daily traffic projected to be generated by the park. Estimates of traffic generation shall be based on the Trip Generation Manual, current edition, published by the Institute of Transportation Engineers. If the park is projected to generate more than 400 vehicle trip ends per day, the application shall also include a traffic impact analysis, by a registered professional engineer with experience in transportation engineering.

(8) Groundwater Impacts

(a) Assessment Submitted

Accompanying an application for approval of any mobile home park which is not served by public sewer shall be an analysis of the impacts of the proposed mobile home park on ground water quality. The hydrogeologic assessment shall be prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology and shall contain at least the following information.

- (1) A map showing the basic soils types.
- (2) The depth to the water table at representative points throughout the mobile home park.
- (3) Drainage conditions throughout the mobile home park.
- (4) Data on the existing ground water quality, either from test wells in the mobile home park or from existing wells on neighboring properties.
- (5) An analysis and evaluation of the effect of the mobile home park on groundwater resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the mobile home park, at the mobile home park boundaries and at a distance of one thousand (1,000) feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of a land or pond, projections of the development's impact on groundwater phosphate concentrations shall also be provided.
- (6) A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within two hundred (200) feet of the mobile home park boundaries.

(b) Standards for Acceptable Groundwater Impacts

- (1) Projections of groundwater quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

- (2) No mobile home park shall increase any contaminant concentration in the groundwater to more than one half of the Primary Drinking Water Standards. No mobile home park shall increase any contaminant concentration in the groundwater to more than the Secondary Drinking Water Standards.
- (3) If groundwater contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated.
- (4) If groundwater contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
- (c) Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Plan.

(9) Ownership of Park

The land within the mobile home park shall remain in a lot in single or joint ownership. No lots or interest in lots shall be individually conveyed, except that a leasehold interest in lots, or the use of lots through a written rental agreement, is permissible.

(10) Conversion of Park

No development or subdivision which is approved by the Planning Board as a mobile home park shall be converted to another use without the approval of the Planning Board for such other use, and without the approval of the Zoning Board of Appeals for such change of use, if required under the terms of this Zoning Ordinance. The conversion shall meet the appropriate lot size, lot width, setback, and other requirements of the Zoning Ordinance and the Subdivision Ordinance for the proposed use.

(11) Utility Requirements

All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each lot in accordance with applicable state and local rules and regulations. Electrical utilities and telephone lines may be located above ground.

(12) Sidewalks/Walkways

The mobile home park shall contain pedestrian walkways that link all units and all service and recreational facilities. Such walkways shall be adequately surfaced and lit. A

portion of the road surface may be reserved for walkways provided the roadway width is increased accordingly. Walkways shall be a minimum width of three (3) feet.

(13) Lighting

Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Lights shall be sized and directed to avoid adverse impact on adjacent properties.

(14) Signs

Signs and advertising devices shall be prohibited in mobile home park except:

- (a) One (1) identifying sign at each entrance of the mobile home park no larger than twenty-four (24) square feet which may be indirectly lit, but not flashing.
- (b) Directional and informational signs for the convenience of tenants and the public relative to parking, office, traffic movement, etc.
- (c) Mobile/manufactured home "for sale" signs, provided that such signs that face a public road shall be no more than ten (10) square feet and shall be limited to two (2) signs per mobile home park.
- (d) Mobile/manufactured home address signs.

The styles and location of the identifying sign shall not interfere with vehicle sight distance and shall be constructed in accordance with local sign regulations.

(15) Storage

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

(16) Park Administration

The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all park-owned structures and their sites. Park management shall conform to state laws.

Compliance with this Ordinance shall not exempt the park owner, developer, or manager from complying with other applicable local, state, and federal codes and regulations.

Part II, Section 10. Standards for Older Mobile Homes

These standards are designed to establish a level of safety for older mobile homes to assure that the unit will perform in a manner that will greatly reduce hazards that present an imminent and unreasonable risk of death or serious personal injury.

No mobile home which was constructed prior to June 15, 1976, or which was not built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 shall be used as a residential dwelling unit in the Town of Camden unless the Code Enforcement Officer certifies that the unit complies with the following standards:

(1) Exit Facilities - Exterior Door

- (a) Required egress doors shall not be located where a lockable interior door must be used in order to exit.
- (b) Mobile homes shall have a minimum of two (2) exterior doors not less than twelve (12) feet from each other as measured in any straight line direction regardless of the length of the travel between doors. One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than thirty-five (35) feet.
- (c) All exterior swinging doors shall provide a minimum twenty-eight (28) inches wide by seventy-four (74) inches high clear opening. All exterior sliding glass doors shall provide a minimum twenty-eight (28) inches wide by seventy-two (72) inches high clear opening. Lock shall not require the use of a key for operation from the inside.

(2) Exit Facilities - Egress Windows and Devices

Homes shall have the following emergency egress facilities:

- (a) Every room designed expressly for sleeping purposes, unless it has an exit door, shall have at least one (1) outside window or approved exit device. If an exit window or device is installed, it shall be listed in accordance with procedures and requirements of AAMA 1704-1985.
- (b) The bottom of the window opening shall not be more than thirty-six (36) inches above the floor.
- (c) Locks, latches, operating handles, tabs and any other window, screen or storm window devices, which need to be operated in order to permit exiting, shall not be located in excess of fifty-four (54) inches from the finished floor.

(3) Interior Doors

Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button or other locking devices on the inside.

(4) Fire Detection Equipment

At least one smoke detector (which may be a single station alarm device) shall be installed in the home in the following locations:

- (a) A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living area side as close to the door as practical. Homes having bedroom areas separated by any one or combination of communication areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.
- (b) When located in hallways, the detector shall be between the return air intake and the living area.
- (c) The smoke detector shall not be placed in a location which impairs its effectiveness.
- (d) Smoke detectors shall be labeled as conforming with the requirements of Underwriters Laboratory Standards No. 217, current edition, for single and multiple station smoke detectors.
- (e) Each smoke detector shall be installed in accordance with its listing. The top of the detectors shall be located on a wall 4 inches to 12 inches below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located four (4) inches to twelve (12) inches below the sloping ceiling (cathedral ceiling). The required detector(s) shall be attached to an electrical outlet box and the detector connected by permanent wiring method into a general electrical circuit. There shall be no switches in the circuit to the detector between the overcurrent protection device protecting the branch circuit and the detector. The smoke detector shall not be placed on the same branch circuit or any circuit protected by a ground fault circuit interrupter.

(5) Flame Spread

- (a) Ceiling interior finish shall not have a flame spread rating exceeding 75.

- (b) Walls and ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with a flame spread rating not exceeding 25. Sealants and other trim material two (2) inches or less in width used to finish adjacent surfaces within this space are exempt if supported by framing members or by materials having a flame spread rating not exceeding 25.
 - (c) Exposed interior finishes adjacent to the cooking range shall have flame spread rating not exceeding 50.
 - (d) Kitchen cabinet doors, countertops, back splashes, exposed bottoms, and end panels shall have a flame spread rating not to exceed 200.
 - (e) Finish surfaces of plastic bathtubs, shower units, and tub or shower doors shall not exceed a flame spread of 200.
 - (f) No burner of a surface cooking unit shall be closer than twelve (12) horizontal inches to a window or an exterior door.
- (6) Kitchen Cabinet Protectors
- (a) The bottom and sides of combustible kitchen cabinets over cooking ranges to a horizontal distance of six (6) inches from the outside edge of the cooking range shall be protected with at least 5/16-inch thick gypsum board or equivalent limited combustible material. One-inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cooktops shall be protected by a metal hood with not less than a 3-inch eyebrow projecting horizontally from the front cabinet face. The 5/16-inch thick gypsum board or equivalent material which is above the top of the hood may be supported by the hood. A 3/8-inch enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent material. The hood shall be at least as wide as the cooking range.
 - (b) The metal hood will not be required if there is an oven installed between the cabinet and the range.
 - (c) Ranges shall have a vertical clearance above the cooking top of not less than twenty-four (24) inches to the bottom of combustible cabinets.
- (7) Carpeting
- Carpeting shall not be used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be installed in other areas where a furnace or water heater is installed, provided that it is not located under the furnace or water heater.

(8) Roof Loads

All homes with roofs added after construction will require a professional engineer to inspect the roof to determine that the roof and home can withstand the rigors of a State of Maine winter or wind uplifts that may occur.

(9) Heating and Fuel Burning System

A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of NFPA-31 - Inspection of Oil Burning Equipment as adopted by that Board, or other applicable standards.

(10) Electrical System

A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system is safe and meets the National Electrical code in effect at the time the home was constructed.

Part II, Section 11. ACCESSORY STORAGE CONTAINERS (*Section Added – 11/5/13*)

Accessory storage containers placed after Nov. 5, 2013 may be utilized only as allowed under this Section.

Containers placed on a lot for a period of at least 60 days prior to Nov. 5, 2013 may remain until replaced, moved, or upgraded unless they become unsafe or a hazard then they shall be removed upon notice from the code enforcement officer and any future containers can only be permitted per this section.

(1) Temporary Use of Accessory Storage Containers.

Accessory storage containers may be used on a temporary basis only after being approved by the Code Enforcement Officer, and subject to the following standards.

- a. No more than one temporary container shall be located on a lot at any time for any single project.
- b. The temporary container shall comply with all minimum yard size requirements of this ordinance.
- c. The temporary container shall be placed behind the front line of principal buildings on the lot, unless the Code Enforcement Officer determines that, due to the size and configuration of the lot and/or the locations of existing buildings or structures on the lot, such placement is not feasible.
- d. The temporary container shall not displace any parking spaces utilized to meet the parking standards of Section X of this ordinance, unless the applicant provides evidence of written permission to use substitute spaces on an adjacent lot or lots during the entire period of time the temporary container is in place.
- e. The temporary container shall not be placed in any location where it will create pedestrian or vehicular traffic hazards or interfere with orderly traffic circulation.
- f. The temporary container shall be structurally sound. Its exterior surfaces shall be free of rust, holes, sharp edges, torn or damaged siding, exposed wiring or any other defects, which could endanger health or safety.
- g. The temporary use of accessory storage containers is limited to either no more than 60 days per lot per calendar year or the specific project duration for which the unit is intended and permitted.
- h. At least fifteen days in advance of the date when the temporary container is to be placed on the lot, the owner or occupant of the lot shall make application to the Code Enforcement Officer for a permit. The application shall be accompanied by the application fee specified by the Town of Camden, Select Board. The application shall also be accompanied by a refundable deposit in the amount of \$125.00 which shall be forfeited to the Town if the temporary container remains on the lot longer than allowed by subsection (g) above. A separate permit is required each time a temporary container is placed on a lot.

2. Non-Temporary Use of Accessory Storage Containers.

Except when used on a temporary basis as provided above, no accessory storage container shall be placed on any lot except in a location approved by the Camden Planning Board under the Article XII Site Plan Review, and subject to the following standards and annual fees as determined by the Camden Board of Selectmen per Article V:

- a. No accessory storage container shall exceed 14 feet in height, 9 feet in width or 55 feet in length.
- b. The total floor area of all accessory storage containers on a lot shall not exceed 495 square feet or 5 percent of the floor area of the principal building or buildings on the lot, whichever is greater.
- c. Accessory storage containers shall comply with all minimum yard size requirements of this ordinance.
- d. Accessory storage containers shall not displace any parking spaces utilized to meet the parking standards of Section XI of this ordinance.
- e. Accessory storage containers shall not be placed in any location where they will create pedestrian or vehicular traffic hazards or interfere with orderly traffic circulation.
- f. The exteriors of accessory storage containers shall contain no signs or advertising material visible from any public way or abutting property.
- g. All accessory storage containers shall be screened by the use of fencing, walls, berms, plantings, natural vegetation or other buildings or structures on the lot so that the accessory storage containers are substantially hidden from abutting properties and any public way.
- h. All accessory storage containers shall be structurally sound. Their exterior surfaces shall be free of rust, holes, sharp edges, torn or damaged siding, exposed wiring or any other defects, which could endanger health or safety.

- 3. Decisions of the Code Enforcement Officer or Planning Board under this Section are final and cannot be appealed to the Board of Appeals. No variances may be granted from the requirements of this Section.**

Article XI Signs

Section 1. Purpose

The Town, after due and careful consideration, finds and declares that it desires to preserve the natural and scenic beauty of the Town, its rural area and water ways, where a proliferation of advertising and other signs would despoil the beauty of the Town and create hazards to vehicular and pedestrian traffic.

It is the intent and purpose of this Article to preserve the beauty of the Town and the safety and well-being of the inhabitants while at the same time allowing reasonable advertising and informational signs by regulating the type, number, location, and size of such signs.

Section 2. Definitions

BANNER: Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. National, state, or municipal flags, or the official flag of any institution or business, shall not be considered banners. *(Amended 11/10/09)*

FLAG: Any fabric or bunting containing distinctive colors, patterns, or symbols. *(Amended 11/10/09)*

PENNANT: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

SIGN: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public, including a sign located inside a window or door so that it is visible from the exterior of the building. Brand names and logos that are integral parts of a good to be sold are not considered signs under this Ordinance. *(Amended 11/10/09)*

SIGN AREA: The area on one side of the smallest simple geometric shape exemplified by a square, rectangle, triangle, circle, etc., encompassing all lettering, wording, design, or symbols, together with any background which is distinguishable from the building. For the purpose of calculating the area of a sign, an inconspicuous support exemplified by a slim post is not part of the sign.

SIGN, CANOPY: A sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

SIGN, CONSOLIDATED: A single on-premise sign that serves two or more businesses or entities, all of which are located on the same lot of record, which sign is on a single device, fixture, placard, or structure.

SIGN, FREESTANDING: A sign supported by one or more upright poles, columns, braces or structure anchored in the ground and not attached to any building or other structure.

SIGN, ILLUMINATED: A sign lit in any manner by an artificial source of light.

SIGN, EXTERNALLY ILLUMINATED: A sign that is lit entirely from an external source, such as flood or spotlights, and is so arranged that no direct rays of light are projected from the external source into adjoining properties or public streets.

SIGN, INTERNALLY ILLUMINATED: A sign whose lighting is integral to the sign and/or shines through a plastic or other translucent covering.

SIGN, LADDER: A sign with two or more signs attached to the same support. The components of a ladder sign must comply, cumulatively, with the dimensional limitations imposed by this Section.

SIGN, OFF-PREMISE: A sign that is not located on the same lot of record that the business, facility, or point of interest is located.

SIGN, ON-BUILDING: A sign that is attached to the building wall and extends not more than six inches from the face of such wall.

SIGN, ON-PREMISE: A sign that is located on the same lot of record that the business, facility, or point of interest is located.

SIGN, PORTABLE: A sign that is not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels or trailers, balloons used as signs, and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. For the purpose of this Ordinance, menu and sandwich board signs are not considered portable signs.

SIGN, PROJECTING: A sign that is attached to the building wall and extends more than six inches from the face of such wall.

SIGN, TEMPORARY: A sign of a temporary nature, erected less than 90 days within any 12-month period, exemplified by the following: political signs, charitable signs, fundraising signs, construction signs, carnival signs, garage sales, lawn sales, rummage sales, and all signs advertising sales of real estate and personal property, and for rent signs. Any exterior sign displayed by an ongoing business on the business' premises in which the written or printed message changes while the structure of the sign remains unchanged shall not be considered as a

temporary sign. For example, chalkboards and signs with removable lettering shall not be considered temporary signs. *(Amended 11/10/09)*

Section 3. Permit Required

No person, firm or corporation shall hereafter erect, hang, place, or alter a sign or sign structure of any kind without a permit having been issued by the Code Enforcement Officer, upon payment of a permit fee as determined annually by the Selectmen. Any permit obtained subsequent to the erecting, hanging, placing, or altering a sign or structure shall be subject to a permit fee five times the scheduled fee. Every application for a sign permit shall be accompanied by plans to scale, showing the area of the sign, the position of the building, structure or lot to which or upon which the sign is to be attached or erected, the method of illumination if any, and such other information as the Code Enforcement Officer shall require to show full compliance with this and all other laws and Ordinances of the Town. If it appears that the proposed sign is in compliance with all such requirements and laws, the permit shall be issued. *(Amended 11/10/09)*

Section 4. Excepted Signs

The following signs are excepted from the provisions of this Ordinance:

- (1) Any sign which was lawfully in existence prior to the date of the adoption of this Ordinance, provided, however, any change in lettering, size, construction, wording, location, or lighting of said sign shall constitute a new sign and such change shall be governed by the terms of this Ordinance;
- (2) House addresses, family name signs, and no trespassing signs;
- (3) Traffic control signs and safety signs including handicapped access signs
- (4) Signs painted on the window of a business which do not exceed 10 percent of the area of the glass.
- (5) Informational and directional signs concerning hospitals, and emergency medical care facilities.
- (6) Vending and dispensing machines; however, vending and dispensing machines located outside a building shall not be internally illuminated. *(New 6/20/06)*
- (7) A single blackboard sign on which the message may change, located near an entrance and attached to a building located in the Downtown Business (B-1), Highway Business (B-2), Business Transition (B-3), Neighbor Service (B-4), Harbor Business (B-H), Transitional Harbor Business (B-TH), Transitional River Business (B-TR), or River Business (B-R), for the purpose of posting information such as, but not limited to, menus, specials, new products, sales, real estate listings, or sample designs, provided the sign does not exceed 3 square feet. *(Added 11/10/09, Amended 11-6-2012)*

- (8) Temporary sandwich board signs used to direct vehicles or pedestrians to an event sponsored by a civic group, organization or arts group, however, except as permitted under Section 11, (3), (e), other uses of sandwich board signs are prohibited. *(Added 11/10/09, Amended 11-6-2012)*
- (9) Signs to direct vehicles or pedestrians within private or public property, provided the signs are no larger than 3" by 18". *(Added 11/10/09)*
- (10) A single sign advertising fresh produce grown on the premises provided the sign does not exceed 4 square feet in area. *(Added 11/10/09)*
- (11) Directional and informational signs on municipal property with the approval of the Code Enforcement Officer. *(Added 11/10/09)*

Section 5. Community, Municipal, and Quasi-Municipal Facilities

Signs shall meet the requirements of Section 11. "Specifications."

Section 6. Obsolete Signs

Any sign now or hereafter existing which no longer advertises a bona fide business conducted, product sold, or activity or campaign being conducted shall be taken down and removed by the owner, agent, or person having the beneficial use of the building, structure, or lot upon which such sign may be found within 10 days after written notification from the Code Enforcement Officer. Failure to comply with such notice constitutes a violation of the terms of this Ordinance.

Section 7. Illuminated Signs

If an exterior sign is to be illuminated it must be illuminated externally only, and shall be lighted from sources which are shielded from streets and adjoining property, with no exposed source of illumination. Businesses are allowed to display one (1) internally illuminated "Open" sign with a maximum size of two (2) square feet in a window visible from the street with a permit from the Code Officer. Any permitted "Open" sign shall not advertise or contain a logo of any product or company. The intensity of light from any illuminated sign visible from the exterior of the business shall remain constant in color, location, and brightness. No sign shall constitute a hazard to the flow of vehicular or pedestrian safety.

Section 8. Flags, Banners and Pennants

Flags, banners, and pennants may be used for the promotion of an event by a civic group, organization, or arts group, provided they are displayed for no longer than seven consecutive days. Flags, banners and pennants may be used for customer or employee appreciation days, provided they are displayed no more than once a year and no longer than seven consecutive days; or upon the grand opening of a new business provided they are displayed for more than seven consecutive days. A permit from the Code Enforcement Officer for such flags, banners, and

pennants shall be required for each event. All other use of flags, banners, and pennants as signs is prohibited; provided, however, that nothing in this Ordinance shall prohibit the flying of national, state, or municipal flags, or the official flag of any institution or business. *(Amended 11/10/09)*

Section 9. General Prohibitions in All Zones

- (1) Billboards, animated signs, flashing signs, roof signs, rotating signs, signs containing any visible moving parts and portable signs are prohibited in all zones. Engraved cornerstones and stone engraved building or structure names are exempt from this prohibition.
- (2) Sandwich board signs, easels, and other sidewalk signs not affixed to a structure or sign post are prohibited on any public or private way except as permitted under Section 11 Specifications, (3),(e). *(Amended 11/10/09, Amended 11/6/12)*
- (3) Ladder signs affixed by the use of hooks and chains are prohibited, except that such signs no larger than 3 inches by 18 inches may be used to indicate whether a business is open or closed or its vacancy status.

Section 10. Off Premises Signs

- (1) Types of signs within the public right-of-way: The following signs may be erected and maintained within the public right-of-way without license or permit as long as they conform to applicable provisions of this subsection and rules adopted pursuant to this section and 23 M.R.S.A. §1913.
 - (a) Signs erected by a producer that directs travelers to the location where farm and food products, as defined in Title 7 MRSA, §415, subsection 1, paragraph B, are grown, produced and sold. A sign must be directional nature, may not exceed 4 square feet in size and must be located within 5 miles of where the farm and food product is sold. A producer may not erect more than 4 signs pursuant to this paragraph. The location of such proposed signs must be approved by the Code Enforcement Officer.
 - (b) Signs erected for a farmers' market, as defined in Title 7, section 415, subsection 1, paragraph A, as long as the signs are directional in nature. A farmers' market may not erect more than 4 signs pursuant to this paragraph. A sign must be directional in nature, may not exceed 4 square feet in size and must be located within 2 miles of where the farmers market is located. Signs must be placed no earlier than the morning of the market being held and must be removed after the market closes. The location of such proposed signs must be approved by the Code Enforcement Officer.
- (2) Traffic, public parking, public transportation, and roadside municipal directional signs, the location of such proposed signs must be approved by the Code Enforcement Officer.

- (3) All other off-premises signs, including Official Business Directional Signs (OBDS), as defined by the State of Maine Department of Transportation, are prohibited in all zones, except that any off-premises sign approved by the Department of Transportation and in place at any time in the twelve months preceding June 27, 1985, may remain.

Section 11. Specifications

The following designate the maximum allowable specifications of signs in all zones:

- (3) Industrial District (I): one on-premise sign identifying the business, with a maximum area of 30 square feet.
- (4) Rural 1 (RU-1), Rural 2 (RU-2), Rural Recreation (RR), Village Extension (VE), Traditional Village (V), and Coastal Residential (CR) Districts: two on-premise signs pertaining to a permitted use conducted on the premises, with a maximum area of sixteen square feet. Approved subdivisions may be allowed one sign designating the name of the subdivision in accordance with the specifications of paragraph (3)(a) of this Section. *(Amended 11/10/09, , Amended 11/6/12)*
- (5) Downtown Business (B-1), Highway Business (B-2), Business Transition (B-3), Harbor Business (B-H), Transitional Harbor Business (B-TH) *(added 11/11/08)*, Transitional River Business (B-H), River Business (B-R), and Neighborhood Service Districts (B-4): a business situated on its own, individual lot may have no more than three signs in any combination of the following approved types:
 - (a) Freestanding signs: one sign with a maximum height of 9 feet measured from the ground to top of the highest support or top of sign, with a maximum sign area of 16 square feet.
 - (b) On-building signs: one sign identifying the name of the business conducted on the premises and limited additional information which explains the nature of the business or profession. The sign shall be limited to one row of letters of a maximum height of 16" or one row of letters of a maximum height of 12" identifying the name of the business and one additional row of letters of a maximum height of 6" providing limited additional information which explains the nature of the business; or to a sign identifying the name and/or logo of the business which is no greater than one square foot of sign for each two linear feet of the building fronting on the thoroughfare or waterfront and shall not exceed a maximum of 50 square feet in area. *(Amended 11/10/09)*
 - (c) Canopy signs and projecting signs: one sign with a maximum sign area of 12 square feet, except that such signs that overhang a public right-of-way shall have a maximum sign area of six square feet and a minimum vertical clearance of 10 feet. *(Amended 11/10/09)*

- (d) One additional sign shall be permitted if the building fronts upon more than one thoroughfare (including the harbor), said additional sign to front on said thoroughfare or waterfront. *(Added 11/10/09)*
 - (e) One (1) freestanding or A-frame blackboard sign up to 17" x 28" in size may be allowed with a permit from the Code Enforcement Officer, on private property in the Downtown Business (B-1), Transitional Harbor Business (B-TH), and Transitional River Business (B-TR). One (1) freestanding or A-frame blackboard sign up to 24" x 36" in size may be allowed with a permit from the Code Enforcement Officer, on private property in the Highway Business (B-2), Business Transition (B-3), and Neighborhood Service (B-4). In determining whether to issue a permit the CEO shall consider pedestrian and vehicle safety. *(New – 11/6/12)*
 - (f) In addition to signs otherwise permitted, two signs not to exceed two square feet each in sign area, designating an entrance or exit to a parking lot, shall be allowed.
 - (g) Approved subdivisions may be allowed a single permanent sign designating the name of the subdivision in accordance with the specifications of paragraph (3), (a) of this Section. *(New – 11/15/05)*
- (6) Businesses that share a building each may have no more than two on-building, canopy, or projecting signs according to the specifications set forth in paragraph (3) above. One additional sign shall be permitted if the building fronts upon more than one thoroughfare (including the harbor), said additional sign to front on said thoroughfare or waterfront.
 - (a) In addition, the building may accommodate a single consolidated sign, no greater than the square footage equivalent to the linear footage of the building fronting on the thoroughfare or waterfront, with a maximum sign area of 100 square feet, except in the Business Transition District (B-3), where the maximum sign area shall be 16 square feet. *(Amended 11/10/09)*
 - (b) Street level businesses that share a building may have an individual free standing sign, provided that the business has a separate street level entrance. *(Added 11/10/09)*
 - (c) A consolidated sign may take the form of a ladder sign.
- (7) Home Occupations and Tradesman Shops permitted as Special Exceptions *(Amended 11/6/12)*
 - (a) Home Occupations

One on-building sign is allowed for a home occupation in the Traditional Village (V) and Village Extension (VE) zoning districts, with a maximum sign area of six square feet. One free standing sign is allowed for a home occupation in the Traditional Village (V) and Village Extension (VE) zoning districts, where the speed limit is 35 MPH or greater,

with a maximum sign area of six square feet. One on-building and one free standing sign is allowed for a home occupation in the Rural 1 (RU-1), Rural 2 (RU-2), and Coastal Residential (CR) Zoning Districts, with a maximum combined sign area of sixteen square feet. Properties with more than one home occupation shall be required to place all information on the one sign. *(Amended 11/10/09 & 11-6-12)*

(b) Tradesman Shops permitted as Special Exceptions

One on-building and one free standing sign is allowed for a Tradesman Shop permitted as a Special Exception in the Rural 2 (RU-2) with a maximum combined sign area of sixteen square feet. *(Added 11-6-12)*

- (8) Nonconforming signs in existence prior to the date of adoption of this Ordinance on November 4, 1992, may be replaced by new signs that comply with the terms of this Section or that are not larger than 75% of the existing sign area. A nonconforming sign which is discontinued for a period of 24 consecutive months, may not be resumed.
- (9) A sign allowed in the front setback area may not protrude outside the property line, except for canopy or projecting signs in conformance with paragraph 3(c) of this Section.
- (10) All roadside municipal directional signs for public facilities, except those covered under #9, shall be standard "symbol" signs approved by the Code Enforcement Officer, measuring no larger than 12" by 18" with an additional directional arrow sign where needed. No wording shall be used on the sign. These signs shall be placed on a single metal post or pressure treated wood post, or on sign posts erected for other purposes.
- (11) Roadside signage for public parking and transportation facilities shall be no larger than 12" by 18". Free standing signs within public parking facilities shall be no larger than 16 square feet.

Section 12. Temporary Signs

- (1) A temporary sign, as defined in this Ordinance, shall not exceed six square feet in sign area and shall not be illuminated.
- (2) A sign permit shall be required for any sign erected longer than 90 days within any 12-month period, except real estate signs offering property for sale or rent, which may be left in place without a permit until the sale or rental of the property, and construction signs, which shall be allowed without a permit for the duration of the project. Real estate signs shall not be placed in traffic islands, within town right of ways or at any location that could cause a traffic hazard. *(Amended 11/10/09)*
- (3) New construction requiring Site Plan Review shall be allowed one construction sign of up to 16 square feet for the duration of the project.

Section 13. Town Directional Signage *(Section added 06/17/09)*

- (1) A permit for town directional signage shall be issued by the Code Enforcement Officer upon the recommendation of the Camden Planning Board and the recommendation of the Parking, Transportation and Traffic Committee and the approval of the Camden Select Board.
- (2) Town directional signage shall be of consistent design and shall use international symbols whenever possible.
- (3) The specific placement of town directional signage shall be approved by the Maine Department of Transportation when located along State roads; and by the Road Commissioner and Chief of Police when located along Town of Camden Roads.
- (4) Minor changes to town directional signage are permitted with the approval of the Code Enforcement Officer.

Article XII Site Plan Review

Section 1. Purpose and Applicability

The purpose of site plan review is to assess the impact of new development on surrounding properties, municipal facilities and services, and the natural environment. Only uses that have been established as permitted uses, either as a matter of right or as a result of successful review as a special exception, are intended to be able to proceed to site plan review. Therefore, the purpose of site plan review is not to establish the right of a use to be located in the area proposed, but rather it is to assure that the way the use is designed and placed on a lot is appropriate to its surroundings. This section shall apply to:

- (1) Proposals for new construction of nonresidential buildings or structures and of multifamily dwellings, including accessory buildings or structures, having a total area for all floors of more than 1,000 sq. ft. and placement of non-temporary accessory storage containers. *(Amended – 11/5/13)*
- (2) Proposals for enlargement of nonresidential buildings or structures and of multifamily dwellings, including accessory buildings and structures, if the enlargement has a total area for all floors within a five-year period of more than 1,000 sq. ft.
- (3) A Proposals to pave, strip, remove earth materials from, or grade areas of more than 10,000 sq. ft. within a five-year period for non-residential uses and mineral extraction in accordance with Article X, Part II, Section 1(2)(b), except that Site Plan Review is not required for roads and infrastructure for approved subdivisions or for construction, maintenance or repair of municipal or state roads and infrastructure. *(Amended – 11/13/07)*
- (4) Proposals to pave, strip, remove earth materials from, or grade areas of more than 40,000 sq. ft. within a five-year period for residential uses; however, in reviewing such proposals, the Planning Board shall only consider Section 6, Approval Criteria, (1), (2) and (5). *(Amended – 11/13/07)*
- (5) Proposals to change residential uses to nonresidential uses having a total non-residential floor area of more than 1,000 square feet. *(Amended - 6/20/06)*
- (6) Proposals to construct, enlarge, or extend piers, wharves, bulkheads, breakwaters, consolidated piers, causeways, marinas, bridges over 20 feet in length, and uses projecting into water bodies. *(Amended – 6/20/06)*
- (7) Proposals to construct new wireless telecommunications facilities, and any expansion of an existing wireless telecommunications facility that increases the height of the facility by more than 20 feet. Such proposals shall also be reviewed according to the Wireless Telecommunications Facility Siting Ordinance.

- (8) Proposals under (1) and (2) above or proposals that include two or more of the following types of exterior renovations to a non-residential or multi-family building within a two-year period, in the B-1, B-TH or B-TR zoning districts:
- (a) façade
 - (b) roof
 - (c) siding
 - (d) awnings
 - (e) exterior lighting
 - (f) historic or architectural details *(Item 8 added – 11/2/10)*
- (9) Proposals to apply a Business Opportunity Zone Overlay to a parcel (or parcels) within the B-2, B-3, B-4, B-R or B-TR zoning districts. In addition to the Approval Criteria found in Section 6. Approval Criteria, (1) – (10) below, applications for a BOZ Overlay shall undergo a review of design standards unique to the BOZ Overlay found at Section 6. Approval Criteria, (12). Applicants should tailor all submissions required for Site Plan Review to address these standards. *(Item 9 added – 6/9/2015)*

This Section does not apply to agricultural land management practices and forest management practices.

Section 2. Procedures

- (1) No building permit or plumbing permit shall be issued by the Code Enforcement Officer or Local Plumbing Inspector for any use or development within the scope of this Article until a site plan of development has been approved by the Planning Board.
- (2) Applicants are encouraged to meet in a pre-application conference with the Planning Board prior to formal submission of an application.
- (3) Every applicant applying for site plan approval shall submit to the Code Enforcement Officer nine (9) copies of a complete site plan of the proposed development, which shall be prepared in accordance with Section 3 of this Article, accompanied by a fee as determined by the Selectmen. All approved site plans produced with a computer assisted design program shall be submitted with a digital copy of the plan in a form acceptable to the Town. A fee schedule for site plan review shall be established by the Selectmen annually. The schedule shall include a fee for applications for site plan review and for site plan amendments that are filed after the commencement of the activity for which approval is required, such fee to be greater than the fee for an application that was filed in a timely manner. The Code Enforcement Officer shall retain two (2) copies of the plan and forward one copy each to the fire chief, town manager, police chief, superintendent of the wastewater treatment plant, and director of the solid waste disposal system. *(New second sentence – 11/15/05)*

- (4) A complete application for site plan approval shall be submitted at least fifteen (15) days prior to the Planning Board meeting at which the applicant wishes to be heard. However, any application which is not complete shall not be placed on the agenda but shall be returned to the applicant by the Code Enforcement Officer with instructions as to the additional information required. The Code Enforcement Officer shall review the proposed project for Zoning Ordinance compliance and to determine that all special exceptions and/or variances which may be necessary first have been obtained from the Zoning Board of Appeals. The Code Enforcement Officer shall continue to review the project for Zoning Ordinance compliance as changes are made during the site plan review process. Within ten (10) days after receipt of their copies of the complete site plan, the town officials who have been forwarded copies of the plan shall submit their written comments to the Code Enforcement Officer. Any supplemental information or plan revisions shall be submitted no less than seven days prior to the Planning Board meeting.
- (5) Within sixty (60) days after the date on which the site plan application first appears on the Planning Board agenda, the Board shall act to approve, approve with conditions, or disapprove the site plan application submitted or amended. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant. During this sixty (60) day period, the Board may schedule an on-site visit.
 - (a) In connection with the review, the Planning Board shall hold a Public Hearing within thirty (30) days after the site plan application first appears on the Planning Board agenda, however, the Planning Board may waive the public hearing for applications under Section 1, (8); the time limit for scheduling such public hearing may also be extended by mutual agreement of the Planning Board and the applicant. Any mutual agreement for extension of the time for a public hearing or of the time for review set forth in Article XII, Section 2(5), shall be in writing, signed by the Planning Board and the applicant or the applicant's agent. *(Amended – 11/2/10)*
 - (b) In connection with the review, the Planning Board may determine that they need additional geotechnical, hydrological, engineering, planning, legal or similar professional consulting services to fully understand and evaluate the application, and when the subject matter at hand exceeds the expertise of Town Staff, the Board, as determined by a two-thirds majority vote of those present and voting, may direct the applicant to engage such independent services. In addition to such fees as otherwise specified by the Town, the applicant shall be responsible for the payment one hundred percent (100%) of the costs related to independent geotechnical, hydrological, engineering, planning, legal and similar professional consulting services. Requests for such consultation shall be limited to reasonable and necessary review as allowed by this ordinance. The time limit for review set forth in Article XII, Section 2(5) may be extended, by mutual agreement, to accommodate a request for a consultant's review. Any mutual agreement for extension of time for review for this purpose shall be in writing, signed by the Planning Board and the applicant or the applicant's agent. *(Amended 11/7/17)*
- (6) Within thirty (30) days of reaching its decision, the Planning Board shall notify the applicant in writing of its action and the reason for taking such action. *(Amended - 6/15/04)*

- (7) For applications under Article XII, Section 1, (6), the Planning Board shall obtain comments from the Harbor Committee. The Conservation Commission as well as other appropriate Town Officials and committees may also be asked to comment. In addition, the Planning Board may schedule a public hearing to obtain additional information from the public. No construction authorized under this procedure shall be considered usable or completed until a certificate of completion has been issued by the Code Enforcement Officer certifying completion in conformance to all terms and conditions under which the application was approved. *(First sentence amended – 6/20/06)*
- (8) An appeal from a decision of the Planning Board concerning a site plan application may be filed by an aggrieved party with the Zoning Board of Appeals. Such an appeal shall be filed within 15 days of the decision of the Planning Board. The Zoning Board of Appeals shall have no authority to decide any appeal that is not filed within that 15-day period. *(Amended – 11/13/07)*

On appeal, the review of the site plan decision shall be limited to correction of clear errors of law made by the Planning Board in connection with the site plan decision, and the Zoning Board of Appeals shall have no authority to reverse or modify a factual finding of the Planning Board. In connection with such an appeal, the review of the Zoning Board of Appeals shall be based exclusively on the record before the Planning Board. Upon receipt of an appeal of a site plan decision, the Zoning Board of Appeals may defer consideration of that appeal for a period not to exceed 30 days, in order to permit consideration of that appeal to occur at the same meeting of the Board as consideration of an appeal of the issuance or denial of a building permit for the same project. At such a meeting concerning both appeals, the appeal of the issuance or denial of the building permit shall not be limited to the review of clear errors of law, and shall be considered separately from the appeal of the site plan decision of the Planning Board. A decision of the Zoning Board of Appeals concerning an appeal of a site plan decision of the Planning Board shall be appealable to the Superior Court within 45 days after that decision, as provided by Title 30-A M.R.S.A., Section 2691, as the same shall be amended from time to time.

- (9) Any permit or approval granted hereunder is subject to all elements of the final plans and specifications submitted by the applicant and to all representations, oral or written, made by or on behalf of the applicant in support of the application or with respect to the nature and scope of the use, activity or work proposed, and all such permits or approvals shall include, as an express condition, a written statement to said effect.

Section 3. Site Plan Content

When the owner of the property or his authorized agent makes formal application for site plan review, his application shall contain at least the following exhibits and information:

- (a) owner's name and address
- (b) names and addresses of all abutting property owners

- (c) sketch map showing general location of the site within the Town
- (d) boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.
- (e) zoning classification(s) of the property lines of the property to be developed and the source of this information.
- (f) the bearing and distances of all property lines of the property to be developed and the source of this information. The Board may require a formal boundary survey when sufficient information is not available to establish on the ground, all property boundaries.
- (g) the location of all building setbacks required by this Ordinance.
- (h) the location, dimensions, front view, and ground floor elevations of all existing and proposed buildings in the site.
- (i) the location and dimensions of driveways, parking and loading areas, and walkways.
- (j) location of intersecting roads or driveways within 200 feet of the site.
- (k) the location and dimensions of all provisions for water supply and wastewater disposal
- (l) the location of open drainage courses, wetlands, stands of trees, and other important natural features, with a description of such features to be retained and of any new landscaping planned.
- (m) location and dimensions of any existing easements and copies of existing covenants or deed restrictions.
- (n) location, front view, and dimensions of existing and proposed signs.
- (o) location and type of exterior lighting.
- (p) copies of applicable State and Federal approvals and permits, provided, however, that the Board may approve site plans subject to the issuance of specified State and Federal approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of site plan review.
- (q) a signature block on the site plan, including space to record a reference to the order by which the plan is approved.

Section 4. Supplemental Information

The Planning Board may require any or all of the following submissions where it determines that, due to the scale, nature of the proposed development or relationship to surrounding properties, such information is necessary to assure compliance with the intent and purposes of this Ordinance.

- (1) Existing and proposed topography of the site at two foot contour intervals, or such other interval as the Board may determine, prepared and sealed by a surveyor licensed in the State of Maine.
- (2) A storm water drainage and erosion control plan prepared by an engineer or landscape architect registered in the State of Maine, showing:
 - (a) the existing and proposed method of handling storm water runoff.
 - (b) the direction of flow of the runoff through the use of arrows.
 - (c) the location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.
 - (d) engineering calculations used to determine drainage requirements based upon a 25-year storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.
 - (e) methods of controlling erosion and sedimentation during and after construction.
- (3) A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, and any other utility services to be installed on the site.
- (4) Sufficient Technical Capacity:
 - (a) The Board may require the developer to show evidence of sufficient technical capacity to:
 - (i) fully complete the work described in the Site Plan Application in a timely and workmanlike manner; and
 - (ii) fully complete the work in accordance with all applicable Federal, State, and Municipal Ordinances and Best Management Practices
 - (b) In determining the developer's technical ability, the Board may consider:
 - (i) the developer's previous experience and qualifications;
 - (ii) the experience and qualifications of the consultants and contractors/subcontractors the developer intends to use to perform the work;
 - (iii) any previous violations of Federal, State, or Municipal permits for Best Management Practices by the developer;

- (iv) any prior successful or failed development project(s).
 - (c) The developer may retain professional consultants to supervise, construct and inspect the described work as long as any such consultants prove reasonably satisfactory to the Board in accordance with (5)(a) and (b) above.
- (5) A planting schedule keyed to the site plan and indicating the varieties and sizes of trees, shrubs, and other plants to be planted.
- (6) In addition to items (a), (c), (d), (l), (m), (o) and q in Section 3, applications for Piers, Wharves, Breakwaters and Boat Ramps shall include: *(Amended - 11/2/10)*
- (a) A site plan stamped and sealed by an engineer registered in the State of Maine.
 - (b) An elevation showing the height of the pier in relation to normal high water.
 - (c) A pier section.
 - (d) A detailed erosion control plan, including a schedule of construction. The schedule shall include the kind of motorized equipment, how and when it will be used below high or low water.
 - (e) A detailed plan showing how oils, greases or other contaminants will be separated and handled.
 - (f) Copies of required Maine Department of Conservation submerged lands lease, Maine Department of Environmental Protection and United States Army Corps of Engineers permits, provided, however, that the Board may approve site plans subject to the issuance of specified State and Federal approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of site plan review.
- (7) In addition to the submission requirements above, applications for exterior renovations in the downtown as required in Section 1, (8), shall include the following, if applicable:
- (a) an elevation sketch of the proposed façade(s)
 - (b) sample materials or cut sheets
 - (c) digital color photos of the streetscape
 - (d) renderings or photo simulations of the proposed exterior
 - (e) photos of historic or architectural details

(Item 6 Added - 11/2/10)

Section 5. Waiver of Submission Requirements

The Planning Board may modify or waive any of the submission requirements when it determines that because of the size of the project or circumstances of the site such requirements would not be applicable or would be an unnecessary burden upon the applicant and that such modification or waiver would not adversely affect the abutting landowners or the general health, safety, and welfare of the Town.

Section 6. Approval Criteria

The following criteria are to be used by the Planning Board in judging applications for site plan reviews and shall serve as minimum requirements for approval of the site plan. The site plan shall be approved unless in the judgment of the Planning Board the applicant is not able to reasonably meet one or more of these standards. In all instances the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application.

(1) Preserve and Enhance the Landscape

The landscape shall be preserved in its natural state insofar as practical by minimizing tree removal, disturbance of soil, and by retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted to define, soften, or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and/or structures and to minimize the encroachment of the proposed use on neighboring land uses.

(2) Erosion Control

Filling, excavation, and earth moving activity shall be carried out in a way that keeps erosion and sedimentation to a minimum, including:

- (a) preservation and protection of natural vegetation where possible
- (b) keeping duration of exposure of disturbed soils to as short a period as possible and stabilizing the disturbed soils as quickly as practicable.
- (c) use of temporary vegetation or mulching to protect exposed critical areas during development.
- (d) use of debris basins, sediment basins, silt traps or other acceptable methods to trap the sediment from stormwater runoff.
- (e) no storage of fill materials within 50 feet of the banks of any stream, intermittent or perennial, or water body.

- (f) no removal of topsoil from any lot, except for that removed from areas to be occupied by buildings, paving, or other surfaces that will not be revegetated.

(3) Relationship of the Proposed Building to Environment and Neighboring Buildings

The physical placement of proposed buildings or structures on the site shall fit harmoniously with the terrain of the site and with neighboring buildings or structures, taking into account the bulk, location, and height of the buildings or structures and such natural features as slope, soil type, and drainage ways. The proposed buildings or structures shall not interfere unreasonably with the solar access of existing buildings or adjacent parcels.

(4) Vehicular Access, Parking, and Circulation

The proposed site layout shall provide for safe access to and egress from public and private roads:

- (a) any exit driveway shall be so designed as to provide the following minimum sight distance measured in each direction, as measured from the point at which the driveway meets the public or private right-of-way:

<u>Posted Limit (miles per hour)</u>	<u>Require Sight Distance (feet)</u>
25	175
30	210
35	245
40	280
45	325
50	350
55	425

- (b) the street serving the site shall be adequate to carry the anticipated traffic, and the site plan shall locate points of access to avoid hazardous conflicts with existing turning movements and traffic flows.
- (c) pedestrian ways shall be safely separated from vehicular traffic.

(5) Surface Water Drainage

Adequate provision shall be made for surface drainage so that removal of storm waters will not have an unreasonably adverse effect on neighboring properties, downstream water quality, soil erosion or the public storm drain system. Whenever possible, on-site absorption of runoff waters shall be used to minimize discharges from the site. Drainage facilities shall be designed for a twenty-five year storm frequency.

(6) Public Utilities

The development shall not impose an unreasonable burden on sewers and storm drains, water lines or other public utilities. New utilities shall be sized and existing utilities upgraded to adequately handle the demands of the development. *(Heading added – 6/20/06)*

(7) Special Features of Development

Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and similar structures shall have setbacks and screening to provide a buffer to sight and sound sufficient to minimize their adverse impact on other land uses within the development area and on surrounding properties.

(8) Exterior Lighting

All exterior lighting shall be designed and shielded to avoid undue adverse impact on neighboring properties and rights-of-way.

(9) Emergency Vehicle Access

Provisions shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times of the year, including 20 foot wide fire lanes at locations as may be recommended by the fire department.

(10) Special criteria for Piers, Wharves, Breakwaters, Municipal Boat Ramps, Municipal Piers, Consolidated Piers, Causeways, Marinas, Bridges over 20 feet in length and other uses projecting into water bodies requiring site plan approval under the terms of this Ordinance. In addition to the above approval criteria, the site must be demonstrated to be suitable for the proposed use according to the following special criteria. *(First sentence amended - 6/20/06)*

(a) The project must not cause undue erosion on or near the site.

(b) The proposed use must not cause degradation of marine life in or near the area. The Board may ask for an examination and statement by a qualified marine biologist regarding the impact of the project, and that statement shall show no significant adverse impact on marine life.

(11) Design standards for new construction, additions or exterior renovations in the B-1, B-TH or B-TR Zoning Districts. The applicant is strongly encouraged to adhere to these standards, however, the decision of the Planning Board on these design standards shall be non-binding on the applicant.

The downtown area is a symbol of community economic health, local quality of life, pride, and community history. A thriving downtown preserves a sense of place and promotes the economic well-being of its residents. (Camden Comprehensive Plan – June, 14, 2005).

- (a) The wall of the building facing a street or the harbor shall be treated as a front façade and shall incorporate pedestrian-scale design features such as doors and windows to create a character that complements the overall visual character of the streetscape.
- (b) The roof shall be designed to maintain the overall visual character of the streetscape, to the extent practical.
- (c) Building scale should take into consideration the unique qualities and character of the surrounding area. Buildings should reduce their apparent bulk by dividing the building mass into several smaller-scaled components.
- (d) Siding should be visually compatible with other exterior finishes on the building and with those buildings to which it is visually related. Any quality material that simulates traditional features will be considered on a case-by-case basis.
- (e) Awnings shall complement the overall visual character of the district. Rigid metal or plastic awnings are prohibited.
- (f) Other than general lighting for the commercial space, there shall be no spot lights, flashing lights or strobe lights other than permitted lighting for signage.
- (g) Buildings with historic features or specific architectural details, shall preserve those features and details to the maximum extent feasible.

(Item 11 added -11/2/10)

- (12) Overlay Design Standards for the Business Opportunity Zone (BOZ) Article IX Section 16, which are in addition to and/or supersede the Standard District regulations for the parcel(s) current zone.
 - (a) Floor Area Ratio (FAR), Building Height and Design:
 - i) A maximum FAR (floor area ratio) of 2.0 is permitted. Floors below grade shall not be included in FAR calculations.
 - ii) Buildings are encouraged to be taller with more floors (rather than low and wide). Height is limited to three usable floors above grade. Maximum height for a building with a flat roof – 33 feet; with a parapet added – 37 feet; and with a sloped roof - 46 feet maximum height.
 - iii) Any continuous wall greater than fifty feet in length shall be interrupted by a different wall plane or an architectural feature of at least eight feet in length.
 - (b) Landscaping
Landscaping sufficient to ring the boundaries of the developed space along the property line is required. A total of one major native species deciduous tree, 10-14' tall, 3-4" diameter at breast height (dbh) or two 6-8 foot conifers or two 6-8

foot tall flowering trees is required for each 75 feet of property line length with a minimum that 50% of these trees shall be major trees. The trees shall be placed along the borders of the property in order to provide required screening and in locations where they will appear as if they grew there naturally based on other existing vegetation, topography and relation of the buildings to neighboring properties. In addition, twelve 2-3 foot tall shrubs per acre are required. The shrubs shall be located to act as screening or to highlight design features such as entry doors, sidewalks and signage. Landscape berms, placed boulders and plant groupings are encouraged to make the site more attractive. For any multi lot applications submitted for BOZ approval as one application the property line for landscape calculations shall be the property boundary between the properties constituting the site plan and any adjacent properties.

Preservation of existing specimen trees or beneficial naturally vegetated areas is encouraged and can be considered as a possible partial offset to the required landscaping.

- (c) Utilities
Utilities including electric, phone, cable and propane shall be buried on site.
- (d) Parking
Parking requirements within the BOZ may be flexible and creative parking solutions are encouraged such as the use of motorcycle or bicycle parking areas. Parking shall be 80% of the standard parking requirements for the total of all uses based on the requirements of Article X, Part II, Section 4 however, no grandfathered spaces or fees in lieu of spaces are allowed. Parking areas should be grouped so that multiple buildings will utilize adjacent spaces and businesses should consider shared parking. Service areas (dumpsters, etc.) shall be screened.
- (e) Traffic
Traffic is to be controlled so that businesses within the BOZ can send out delivery trucks in the morning and receive them back at end of day.

(Item 12 added - June 9, 2015)

Section 7. Expiration of Approval

Approval of the site plan and any building permit issued for development within the scope of this Ordinance shall expire after a period of twenty-four months after the date of site plan approval if development has not begun.

Section 8 Site Plan Review

- (a) The Code Enforcement Officer may approve and allow minor field adjustments to an approved Site Plan if the Code Enforcement Officer is satisfied that such changes have no adverse effect upon approval criteria or conditions of approval.

- (b) Upon request of an applicant, the Planning Board may allow amendments to an approved Site Plan without requiring a new Site Plan Application if the Board is satisfied by majority vote that such amendment has only minor or no new effect upon approval criteria or conditions of approval. If the Planning Board is satisfied by the above criteria that the matter may be heard as an amendment, the Planning Board may allow an amendment if it is satisfied the amendment meets the site plan approval criteria.
- (c) Notice of the consideration of a request for an amendment to a Site Plan by the Planning Board shall be accomplished by posting the agenda and publication at least seven (7) days prior to the Planning Board meeting.

Article XIII Historic Resources Committee

Section 1. Appointment and Composition

There shall be a Historic Resources Committee which shall consist of five members and two alternates, all of whom shall be residents of the Town appointed by the Selectmen. Members of the Committee shall have demonstrated an interest in the historical and architectural character of the Town and shall be appointed with due regard to proper representation of such fields as history, architectural history, architecture, landscape architecture, and archaeology to the extent such individuals are available in the community. Members shall serve staggered, three-year terms and no member may serve more than two consecutive terms.

Section 2. Procedures

The Committee shall establish procedures necessary for the execution of its duties as set forth in this Ordinance. All meetings of the Committee shall be open to the public and the Committee shall keep a record of its resolutions, proceedings, and actions.

Section 3. Duties

The Committee shall be authorized to:

- (1) Conduct a survey of historic resources within Camden and maintain a record of such resources. These resources shall include buildings, building sites, designed landscapes, prehistoric sites and materials, and documents relating to these.
- (2) Recommend methods and procedures necessary to preserve, restore, maintain, and operate historic sites and properties owned by the Town.
- (3) Review alterations, relocation, and demolition of designated historic properties owned by the Town.
- (4) Review all proposed nominations to the National Register for properties owned by the Town.
- (5) Recommend ordinances and otherwise provide information for the purposes of historic preservation within the Town, including evaluations of the potential impacts of proposed governmental projects on properties within the Town's designated Historic Areas, pursuant to Article X, Part I, Section 3 of this Ordinance.
- (6) Act in an advisory role to other officials and departments of local government regarding the protection of local historic resources.
- (7) Act as local liaison on behalf of local government to individuals and organizations concerned with historic preservation.

- (8) Promote and conduct an educational and interpretive program on historic preservation and historic properties and sites within the Town.
- (9) Cooperate with federal, state, and local governments in the pursuit of the objectives of historic preservation.
- (10) Participate in the conduct of land use and other planning processes undertaken by the Town, the state or federal government and the agencies of those entities.

Article XIV Regulation of Private Ways

Section 1. Purpose and Applicability

The purpose of the regulation of private ways is to control the development, construction or use of private ways providing vehicular access to a lot or a principal use in such a manner as to avoid safety hazards and undue burdens on municipal services, including emergency vehicle accessibility. In order to accomplish that purpose, this article shall apply to the following activities:

- (1) The development, construction, or use of a private way constructed after June 9, 1998, which has a length of more than 500', for the purpose of vehicular access to a lot of land or a principal use on a lot or to meet the frontage requirements in the ordinance; and
- (2) The extension of or addition to a private way constructed on or before June 9, 1998) which provides vehicular access to serve additional lots or additional principal uses which were not served by the existing private way, in combination with an existing private way, which is more than 500', in length (such length shall be measured from the terminus of the portion of an existing private way which meets the approval criteria set forth in this ordinance in Article XIV(Section 4), or, in the event that no portion of the existing private way meets those approval criteria, then such length shall be measured from a Town road or approved subdivision right-of-way which does meet the approval criteria set forth in that section of the ordinance).

Section 2. Application

For private ways within the scope of Section 1. (1) and (2) above, no private way shall be developed, constructed, or used after June 9, 1998 and no private way constructed prior to June 9, 1998 shall be extended to serve additional lots or principal uses until a permit for that private way has been approved by the Planning Board and the permit issued for that purpose.

- (1) A complete application for approval of a private way shall be submitted at least 15 days prior to the Planning Board meeting at which the Applicant wishes to be heard. Within 30 days after the date on which the application for approval of a private way first appears on the Planning Board agenda, the Planning Board shall act to approve, approve with conditions, or disapprove the application for the permit. During this 30 day period, the Board may schedule an on-site visit.
- (2) An application for a permit for a private way shall contain, at least, the following information:
 - (a) applicant's name and address;

- (b) name and addresses of all abutting lot owners served by the private way;
- (c) a plan prepared by a registered land surveyor which shall delineate the existing and the proposed private way and each of the lots to be served by the private way, and that plan shall be labeled "Plan of a Private Way";
 - (i) the plan shall bear a note that the Town of Camden shall not be responsible for the maintenance, repair, plowing or sanding of the private way, and that further lot divisions utilizing the private way are prohibited without the prior approval of the Planning Board.
 - (ii) the plan shall show the intersection of the private way with any public way or Town road and the sight distances from that intersection on both approaches to the private way from the public way or Town road;
- (d) a maintenance agreement shall be submitted with the application and that maintenance agreement shall specify in writing the rights and responsibilities of each lot owner with respect to maintenance, repair, plowing and sanding of the private way, except as stated otherwise in Section 4(9) of this Article.
- (e) a storm water drainage, and erosion control plan prepared by an engineer or landscape architect registered in the State of Maine, showing:
 - (i) the proposed method of handling storm water runoff;
 - (ii) the direction or flow of run off through the use of arrows; and
 - (iii) the location of drainage ditches, swales, retention basins, and other features designed to regulate or control drainage.
- (f) The Applicant shall submit such further information as the Planning Board may require in circumstances, in which the Planning Board determines that, due to the scale, nature of the proposed private way, or the impact of the private way on safety considerations, such information is necessary to insure compliance with the intent and purposes of this Article of the Ordinance.

Section 3. Waiver of Submission Requirements

The Planning Board may modify or waive any of the submission requirements or application requirements when it determines that, because of the size of the project or circumstances of the proposed private way, such requirements would not be applicable or would be an unnecessary burden on the Applicant and that such modification or waiver would not adversely affect the

safety of the private way, or unduly increase the burden on municipal services, or defeat the purposes of this Article.

Section 4. Approval Criteria

The following criteria shall be used by the Planning Board in approving applications for a private way and shall serve as minimum requirements for the approval of the issuance of such a permit for a private way. In all instances, the burden of proof shall be on the Applicant to demonstrate that the criteria has been met. The Planning Board shall issue a permit for the private way when all of the following criteria are met:

- (1) A turn-out to provide space for two vehicles to pass, measuring a minimum of 10' wide by 50' long, shall be provided for every 500' of a private way. For a diagram of Section 4(1), see Schedule A attached to this ordinance section and incorporated by reference herein.
- (2) The private way shall establish and maintain a minimum of 14' of vertical clearance.
- (3) The private way shall be designed so that the private way shall not be subject to seasonal flooding or washout and the Planning Board may require, as a condition of approval, drainage ditches and culverts to meet this criteria.
- (4) The intersection of a private way with a public way or Town road shall not present a safety hazard and there shall be sufficient sight distance from that intersection in both directions along the public way or Town road.
- (5) The intersection of the private way with driveways and the steepness of the private way shall not cause a hazard to pedestrian or vehicular traffic.
- (6) The maintenance agreement submitted by the Applicant shall adequately specify the rights and responsibilities of each lot owner with respect to maintenance, repair, plowing and sanding of the private way so that the private way is properly maintained and repaired.
- (7) Dead ends in a private way of more than 500' in length shall have a solid paved circle with a minimum radius of 40', or a turn around that is a minimum of 20' wide and 40' deep and located at least 40' and no more than 60' from the dead end. For a diagram in connection with this approval criteria, see Schedule A attached to this ordinance section and incorporated by reference into this ordinance section.
- (8) The proposed private way, as depicted on the survey plan, shall provide for safe access to and egress from driveways to the private way and from the private way to the public way or Town road and shall meet the following minimum construction standards:

Minimum, roadway width -	10'
Minimum width of right-of-way -	30'
Minimum sub-base (6) inch minus) -	12"
Minimum wearing surface (1 inch minus) -	2"
Maximum grade -	10%
Minimum grade -	0.5%

- (9) For an application for the extension or addition to an existing private way constructed on or before June 9, 1998, the Board shall not require that the existing portion of the private way meet the approval criteria set forth above or that the Applicant submit a maintenance agreement for lot owners served prior to that date by the existing private way, but the Board can disapprove a permit for such extension or addition to that, private way on grounds that the existing portion of the private way does not meet the criteria above, or the Board may add as a condition of the Board's approval a requirement of compliance of that existing private way with the criteria set forth above,

Section 5. Expiration of Approval

The approval of the issuance of a permit for the construction and use of a private way within the provisions of this Article of the Ordinance shall expire after a period of 24 months after the date of approval if the private way has not been completed and the use of that private way commenced.

Section 6. Recording Plan

The survey plan delineating the proposed private way including any conditions required for approval by the Planning Board, shall be recorded in the Knox County Registry of Deeds within 90 days of the date of approval by the Planning Board. If the survey plan is not recorded within this time period, the approval shall be null and void.

Section 7. Appeal

An appeal from a decision of the Planning Board concerning a permit for a private way may be filed by an aggrieved party with the Zoning Board of Appeals. Such an appeal shall be filed no more than 15 days after the date of the mailing of the written decision of the Planning Board to the Applicant. The Zoning Board of Appeals shall have no authority to decide any appeal that is not filed within that 15 day period.

A decision of the Zoning Board of Appeals concerning an appeal of a decision of the Planning Board shall be appealable to Superior Court within 45 days after that decision as provided by Title 30-A M.R.S.A. S2691, as the same shall be amended from time to time.

Section 8. Definition of Private Way

For purposes of Article XIV only, a private way shall mean a right-of-way used for vehicular access from a public way or a Town road to a lot or a principal use on a lot in the event that the right-of-way used for that vehicular access is more than 500' in length, or for an extension of existing private way with a length of more than 500', with the length measured as set forth in Article XIV Section 1.(2). Private ways constructed and used after June 9, 1998 shall meet the requirements of Article XIV (as amended) of the Zoning Ordinance.

Schedule A

Diagram for Section 4. (1):

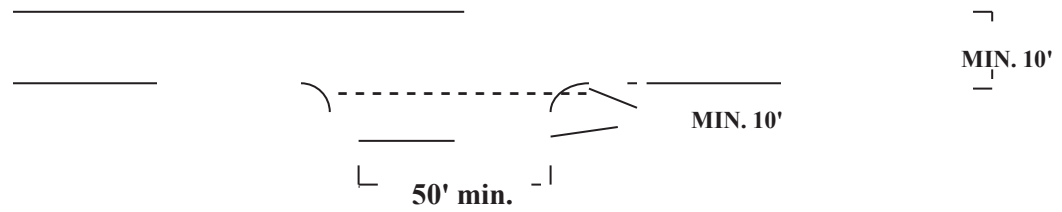
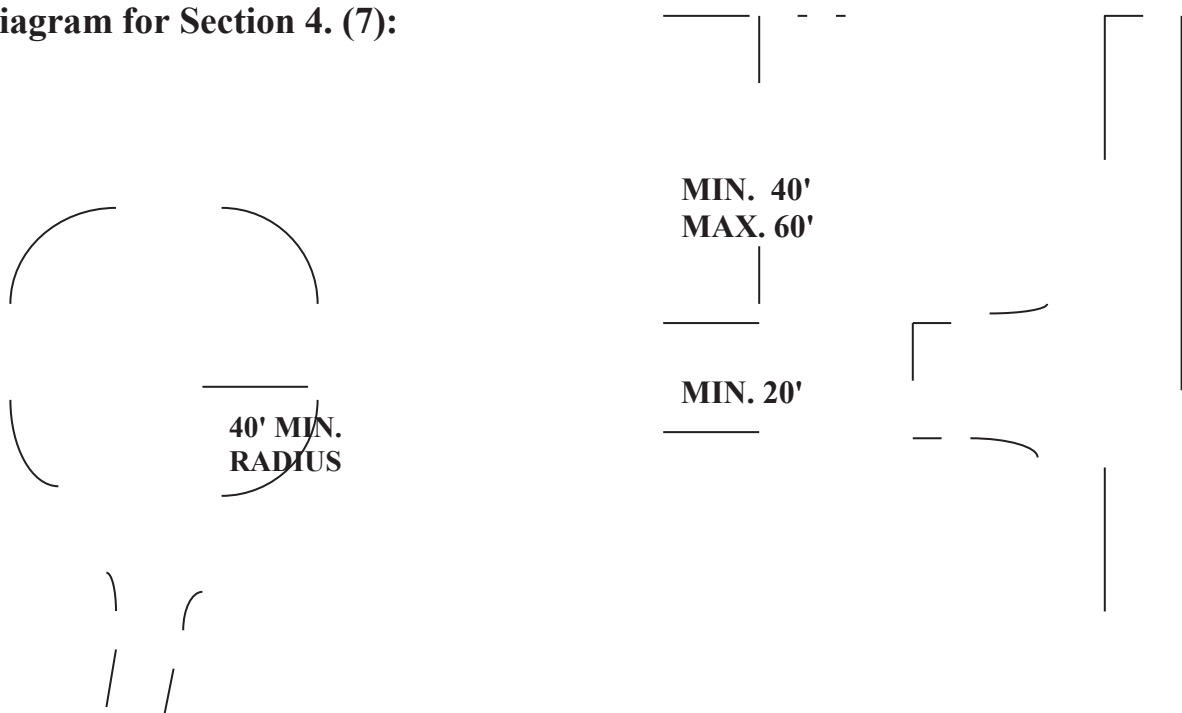


Diagram for Section 4. (7):



Article XV

Amendment and Other Interpretive Provisions

Section 1. Interpretation

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

Section 2. Conflict with Other Ordinances

Whenever the provisions of this Ordinance conflict with or are inconsistent with those of another Ordinance or other regulations administered by the municipality, or wherever the regulations of one part of this Ordinance conflict with another part of this Ordinance, the stricter shall apply, except as expressly stated otherwise in this Ordinance. *(Amended 11/10/09)*

Section 3. Severability

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

Section 4. Amendment

No land use regulation or amendment thereof or change in the Official Zoning Map shall be adopted until after the Selectmen of the Town have held a public hearing thereon at least ten days before it is submitted to the Legislative Body for consideration. Public notice of the hearing shall be made at least ten days prior to the hearing. Amendments to this Ordinance shall be considered following petition, recommendation of the Planning Board, or motion of the Selectmen. The petitioner shall bear the cost of advertising and of any postage for notification of neighboring property owners.

Any amendments dealing with the shoreland area shall be effective only upon approval of the Commissioner of Department of Environmental Protection. Within fourteen (14) days following adoption of any shoreland amendments, the Municipal Clerk shall send a certified copy of the amendments to the Commissioner of Department of Environmental Protection for approval. If the Commissioner of Department of Environmental Protection fails to act on the amendments within forty-five (45) days of the Department's receipt of the certified copy, the amendments shall be deemed to be approved. Any application submitted to the Town within the forty-five (45) day review period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner of Department of Environmental Protection.

Section 5. Repeal

- (1) The zoning ordinance herein shall be enacted and be of full force and effect on the day following the date of approval of this zoning ordinance by the voters of the Town of Camden at a town meeting, and any zoning ordinance of the Town of Camden in effect prior to the date of enactment of this zoning ordinance shall be repealed as of that date.
- (2) Persons who have applied for permits or approval or filed appeals under terms of the previous Zoning Ordinance for the Town of Camden and prior to its repeal shall be governed by the terms of said previous Ordinance, unless they elect, in writing to the Code Enforcement Officer, to be governed by the terms of this Ordinance.

Section 6. Availability

A copy of this Zoning Ordinance certified by the Chairman of the Board of Selectmen shall be filed with the Town Clerk and the Code Enforcement Officer and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of the availability of this Ordinance shall be posted in the office of the Town Clerk.

State Law Reference: 12 M.R.S.A. § 4811, 23 M.R.S.A. § 1901 et seq.; 30 M.R.S.A. § 2411, 4961-4966, § 4956; 30-A, M.R.S.A. § 4358.