CITY OF EASTPORT
ANIMAL CONTROL ORDINANCE

SECTION I: PURPOSE & ADMINISTRATION

A. This Ordinance is adopted in the exercise of municipal home rule powers under the Maine Constitution and 30-A M.R.S.A. Section 3001.

B. The purpose of this Ordinance is to
   1. Provide for the health, safety and security of the citizens of Eastport, Maine;
   2. Provide for the humane treatment of domestic animals; and
   3. Hold owners responsible for the conduct of their dogs.

C. Dangerous dogs, dogs running at large and habitual barking dogs are hereby declared to be a public nuisance.

D. The City of Eastport Animal Control Officer shall enforce this ordinance. Any officer as designated by the Council, Maine Game Wardens, or other State Official charged with animal control duties may enforce this Ordinance in the absence of the ACO.

SECTION II: DEFINITIONS

1. In general, all words and terms used in this Ordinance shall have their customary dictionary meanings.

2. More specifically, certain words and terms are described below.

A. City means the City of Eastport.

B. "Animal Control Officer" and "ACO" mean the municipal official appointed by the Council of the City of Eastport. Whose duties are as follows
   1. Enforcing the Maine Animal Welfare Laws, 7 M.R.S.A. §§ 3911, 3912, 3921, 3924, 3943, 3948, 3950, 3950-A, 3966 through 3970, and any other State laws imposing duties upon ACOs;
   2. Responding to reports of domestic animals suspected of having rabies in accordance with 22 M.R.S.A. §§ 1313 and 1313-A and performing other duties relating to rabies imposed on ACOs by State law;
   3. Performing other duties to control animals as required by legislative action

C. "Attack", "attacks" and "attacking" mean an unprovoked actual biting or an action of imminent physical harm to a person, a domestic pet or farm animal.

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

F. “Dangerous dog” means the following, regardless of whether the dog is on or off the premises of its owner at the relevant time:
   1. A dog that attacks a person, regardless of whether it causes physical harm to the person, provided at the time of attack the person is not trespassing with criminal intent on the owner’s premises.
   2. A dog that attacks a domestic pet or farm animal and causes harm to the domestic pet or farm animal.

G. “Running at large” means off the premises of and not under the control of the dog’s owner.

H. “Domestic animals” shall include, but not be limited to dogs, cats, cows, horses, pigs, sheep, goats and chickens poultry and other fowl being kept for domestic purposes.

I. “Abandoned” means the condition under which an animal is not properly fed, groomed or housed in accordance with the Maine Animal Welfare Laws.

J. “Compliance order” means an enforcement order issued by the City ACO, or another officer as designated by the Council which shall demand that the owner or keeper obtain a license from the City of Eastport for such dog within seven (7) days from the day of issuance.

K. “Under restraint” means physically capable of controlling the dog by a leash, cord, chain or by voice command control to which the dog is obedient.

L. “Abused” means to treat an animal in any manner that violates any section or subsection of Title 7, M.R.S.A., Chapter 739, “Cruelty to Animals”.

M. “Kennel” is defined by 7 M.R.S.A. Chapter 721 § 3923-C

SECTION III. IDENTIFICATION, PROOF OF VACCINATION AND LICENSING

A. All dogs older than six (6) months shall be licensed in accordance with 7 M.R.S.A., Section 3922, et. seq.

B. It shall be unlawful for any owner or keeper of any dog or dogs six (6) months or older to keep or maintain a dog unless the owner has a current certificate of rabies vaccination.

C. Failure to timely exhibit to the Clerk, or produce on demand of the ACO or other officer authorized to enforce the provisions of this Ordinance, proof of vaccination, shall be prima facie evidence that said dog has not been vaccinated.

D. The owner or keeper of any dogs aged six (6) months or older, except dogs kept under kennel
license shall on or before January first annually, or at such other time as such dog or dogs become six (6) months old, or within ten (10) days after such dog or dogs are brought into the City, cause such dog or dogs to be licensed in accordance with 7M.R.S.A. § 3923-A, -B, -C and D.

E. A current tag showing the year such license is issued and bearing such other data as may be required shall be given with each license issued. The owner or keeper of a dog required to be licensed must ensure this tag is worn at all times by the dog for which the license was issued, when out of doors or off the premises of the owner or keeper, as provided for in 7 M.R.S.A. § 3943.

F. The owner or keeper of any dog not duly licensed may be issued a compliance order paying to said Clerk, in addition to the license fee, a compliance fee of $4.00 or as provided for in 7 M.R.S.A. § 3943 and, in addition may, be summoned to court as provided for in 7 M.R.S.A. § 3943, for keeping an unlicensed dog.

SECTION IV. SICK OR INJURED DOGS

Any person finding a running at large, stray, sick, injured or abused dog within the City in an emergency situation should first contact the ACO, who shall take responsibility for the dog. If the ACO is unavailable, this person shall contact the City Manager or other public official or otherwise provide for the dog as specified by Title 7, M.R.S.A. §3913 (1).

SECTION V. RUNNING AT LARGE

A. No owner of a dog shall cause or permit that dog to run at large within the City.

B. A dog shall be deemed under restraint within the meaning of this Ordinance if it is controlled by a leash, cord, chain or otherwise under control of a person and obedient to that person's voice command.

SECTION VI. DUTY TO DISPOSE OF DOG WASTE

No person shall fail to immediately remove and lawfully dispose of any feces left in any street, sidewalk, esplanade, park or any other public, or City owned property by a dog owned or controlled by such person or under his/her control.

It is a violation of this Ordinance for a person to allow a canine under his/her control to defecate on any on any private property not owned by the owner of the canine or without the permission of the property. Private property includes all private dwellings and business property.

EXEMPTION

A reasonable effort should be made by a person not to allow a canine in his/her control to defecate on property not owned by that person owning/controlling the canine. If the owner/person controlling the canine makes a reasonable attempt to remove the feces of that canine in a timely manner they may not
be held in violation of this Ordinance.

This regulation shall not apply to a dog accompanying any handicapped person who, by reason of his/her handicap, is physically unable to comply with the requirements of this section.

SECTION VII. REGULATION OF DOGS

A. No owner or keeper of a dog within the legal limits of the City shall keep or maintain a dog which continuously or repeatedly barks, howls, makes other loud or unusual noises sustained for one (1) hour or in any other manner unreasonably disturbs the peace of any person.

B. Professionally trained, certified guard dogs performing their assigned duties are exempt from this section.

C. Failure to timely exhibit to the Clerk, or produce on demand of the ACO or other officer authorized to enforce the provisions of this Ordinance, proof of vaccination, shall be prima facie evidence that said dog has not been vaccinated.

D. The owner or keeper of any dogs aged six (6) months or older, except dogs kept under kennel license shall on or before January 1st annually, or at such time as such dog or dogs become six (6) months old, or within ten (10) days after such dog or dogs are brought into the City cause such dog or dogs to be licensed in accordance with 7 M.R.S.A. § 3923-A,-B,-C and D.

E. A current tag showing the year such license is issued and bearing such other data as may be required shall be given with each license issued. The owner or keeper of a dog required to be licensed must ensure this tag is worn at all times by the dog for which the license was issued, when out of doors or off the premises of the owner or keeper, as provided for in 7M.R.S.A. § 3943.

F. The owner or keeper of any dog not duly licensed may be issued a compliance order paying to said Clerk, in addition to the license fee, a compliance fee of $4.00 or as provided for in 7 M.R.S.A. § 3942, for keeping an unlicensed dog.

SECTION X. ATTACKS BY DANGEROUS DOGS

A. An owner who is given written notice by the City's ACO, or any other officer that their dog has bitten or is reasonably believed to have in any way seriously injured any person, domestic pet, or farm animal shall not, without further written authorization by an officer or official, sell, give or otherwise convey the ownership or possession of that dog, or permit that dog to be moved beyond the boundaries of the City, except to or under the care of a licensed veterinarian, the ACO, or a law enforcement officer.

B. An owner receiving written notice shall immediately place the dog under confinement for a period of at least ten (10) days and shall promptly obey all rabies detection and control directions of an ACO, a licensed veterinarian, law enforcement officer, or other state official concerning that dog.
C. An owner receiving written notice shall comply with all applicable regulations of the Maine Commissioner of Agriculture and the Maine Commissioner of Human Services and their authorized agents in matters of rabies detection and control.

D. Dangerous dogs shall be handled in accordance with 7 M.R.S.A. § 3952 and remain designated as dangerous until the Court orders otherwise.

SECTION XI. SPECIAL RESTRAINT OF DANGEROUS DOGS

A. An owner of a dog that has been determined to be a dangerous dog shall ensure that the dog is restricted at all times to the premises of the owner, except when being transported by a secure motor vehicle to a veterinarian or to some other premises of the owner or to take the dog out of the City with the knowledge and written consent of the ACO or other official authorized by the City Council, or to the custody of an animal control officer or law enforcement officer.

B. The owner of a dangerous dog shall ensure that the dog, when out of doors on the owner's premises, is either contained within a secure enclosure or is fastened with a secured latch to a well maintained reinforced restraint.
   1. The length of any secure restraint must keep the dog more than three (3) feet away from any mail receptacle, entrance or exit to a house or other building, end or edge of a driveway, walkway, stoop or stairs leading to an entrance, edge of lawn, property boundary or public sidewalk, or home fill pipe or utility meter.

SECTION VIII. KENNELS

A kennel is defined by 7 M.R.S.A., Chapter 721 § 3923-C. In order for a kennel license to be issued, the following standards must be met:

A. Application:
   (1) an applicant for a kennel license must complete the City's kennel license application;
   (2) if required to have a State license, the applicant must possess a current, valid State license;
   (3) if required, approval must meet the current City zoning ordinance; and
   (4) all fees, including the kennel license fees, must be paid.

B. Inspection:
   An inspection shall be conducted in accordance with Section V and all applicable criteria must be met by the applicant.

C. Number of licenses limited.
   There shall be no more than four (4) kennel licenses issued for any one parcel or business.

D. Approval.
   Should all of the above conditions be met, the City Clerk shall issue the applicant a kennel license
for the kennel under consideration.

SECTION IX. INSPECTIONS

A. The Animal Control Office (ACO) or other authorized representative of the City may inspect a kennel, or a property for which a kennel license application has been received, at any reasonable hour.

B. The applicant or kennel owner, or an agent of the same, is required to accompany the City representative.

C. At the discretion of the City, the applicant or kennel owner or agent must allow other state and City officials, including but not limited to Eastport police officers or state animal welfare agents to accompany the ACO or other authorized representative of the City during inspection.

D. The inspection shall cover all areas on the property where dogs are kept or allowed to go.

E. Inspection criteria that the property must meet shall include the following:

   (1) All criteria required by the State Animal Welfare Department when inspecting kennels.

   (2) Animals shall be kept in areas which maintain adequate sanitation, including but not limited to periodic cleaning and sanitizing enclosures and housing facilities to remove excreta and other waste materials.

   (3) Animals shall be housed in enclosures with adequate space for the animals to make normal postural and social adjustments with adequate freedom of movement to maintain physical condition. Inadequate space may be indicated by evidence of malnutrition, poor condition, debility, stress or abnormal behavior patterns.

   (4) Housing for animals shall be structurally sound and shall be maintained in good repair to protect animals from injury and restrict entrance of other animals or the escape of the animals contained therein.

   (5) Animals shall be afforded proper veterinary care. A sick, diseased or injured animal shall be provided with a proper program of care by a veterinarian or humanely euthanized.

   (6) Animals shall be provided with an adequate supply of fresh, clean, potable, liquid water provided in a sanitary manner and wholesome food suitable for species and age as often as the feeding habits of such animals require to maintain an adequate level of nutrition. If kept outdoors, said water shall be provided at all times.

   (7) If kept outdoors, animals shall be provided with proper shelter. All shelters must have four (4) sides and a roof and be large enough for the animal to enter, turn around and lie down. Shelter shall be provided for each individual animal. Shelter for females
with offspring shall be large enough for the female to nurse the puppies without harming them.

(8) A kennel must have adequate staff to exercise, feed and otherwise care for the animals. One full-time employee or the equivalent shall generally be considered adequate staff for caring for twenty (20) dogs.

(9) All animals shall be treated in a humane manner.

F. The inspection shall be conducted in accordance with any sanitation and health rules established by the state for compliance with laws and rules.

G. Upon completion of inspection, the applicant must sign the inspection form.

H. The applicant and City Clerk shall each receive a copy of the completed inspection.

SECTION VII. LICENSE DENIAL, SUSPENSION AND REVOCATION

A. A kennel license application may be denied, or a kennel license or licenses may be suspended or revoked for the following reasons:

(1) Failure to allow an inspection.

(2) Failure to meet one or more of the inspection criteria.

(3) Failure to comply with any provision of this chapter or of a kennel license.

(4) Withholding or falsification of any information required for a kennel license.

(5) Conviction of three (3) or more violations under this chapter of Title 7, Chapter 721 or 723, of the Maine Revised Statutes within any twelve-month period.

(6) Conviction of any violation of Title 7, Chapter 739, or Title 17, Chapter 42, of the Maine Revised Statutes within the past 10 years.

(7) Suspension of state license or quarantine by the state.

B. If a kennel license is denied or revoked, no new permit application will be accepted from the same applicant, license holder or location, nor shall that applicant or license holder be allowed to operate a kennel or a kennel be allowed to operate at that location, for a period of one year after such denial or revocation.

C. Upon denial, suspension or revocation of a kennel license, notice of the denial, suspension or revocation shall be provided to the applicant or license holder within 10 business days of the determination to deny, suspend or revoke the license. The notice of denial, suspension or
revocation shall be sent by certified mail, return receipt requested, addressed to the applicant or license holder.

D. Upon receipt of a notice of suspension, the license holder may not sell any animals or cause any animals to be transported from the property in question without written permission from the Animal Control Officer (ACO) or other authorized representative of the City. A suspension may until a date certain, or may be until the property has been brought into compliance with this chapter.

SECTION XII . OTHER DOMESTIC ANIMALS

A. It shall be unlawful to keep or have any goats, cattle, horses or chickens poultry anywhere in the City within one hundred fifty (150) feet of any residence other than the residence of the person so keeping or having such animals.

B. It shall be unlawful to permit any cattle, horses, swine, sheep, goats or poultry to run at large in the City; any such animal running at large in the City shall be impounded in the manner provided in this Ordinance.

C. Running at large.
   No person having the care of any goats, sheep, cattle, swine, horses or other live stock shall allow such animals to go at large on any public way or other public place in the City of Eastport.

D. It shall be unlawful to harbor or keep any animals which disturb the peace by loud noises nor other disturbances at any time of the day or night.

E. The keeping of poultry authorized under this section shall not create a nuisance and shall be conducted in a manner that does not disturb the use of adjacent properties. Odors from the poultry, manure or other poultry related substances shall not be perceptible at the property boundaries. Perceptible noise from poultry shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

SECTION XIII . PUBLIC HEALTH

A. Fowl, goats, sheep, cattle, horses or swine shall not be kept in the cellar, attic or basement of any occupied dwelling or residential structure in the City of Eastport, regardless of location, whenever the City Health Officer finds that keeping of such animals at the premises concerned threatens public health any order issued by the Eastport Health Officer under this section shall be served on the owner or occupant of such premises or on the keeper of such animals and shall allow 48 hours after service of the order for removal of the animals concerned.

B. No person shall dispense, feed or otherwise make available to any species of wildlife either on such person's property or on the property of another or of the City, any type of food in a manner that:

   (1) Creates an unclean, unsafe or unsanitary condition;
(2) Creates an unreasonable disturbance;

(3) Otherwise deleteriously affects the quiet enjoyment of others of any private or public property.

C. No person shall leave feral cat “feeding stations” out of doors between dusk and dawn.

SECTION XIV. ENFORCEMENT

The provisions of this Ordinance may be enforced by the ACO, Chief of Police, or any Police Officer of the City of Eastport.

PENALTIES FOR VIOLATION

Violation of this Ordinance shall be punished by a minimum penalty of one hundred dollars ($100.00) for a first offense.

A second offense of this Ordinance shall be punished by a minimum penalty of two hundred fifty dollars ($250.00).

The minimum penalty for a third offense and subsequent offenses under this Ordinance shall be five hundred dollars ($500.00).

All fines will be for the use and benefit of the City of Eastport.

SECTION XV. IMPOUNDMENT

In addition to fines otherwise provided, the City Health Officer, Chief Enforcement Officer, or ACO may impound any animal kept in violation of this Ordinance. All costs of the impoundment shall be charged to the owner or keeper of such animals. Animals impounded under this section may be sold to recover the City's cost.

SECTION XVI: PROCEDURES ON VIOLATION

A. INVESTIGATION.

1. The ACO shall quickly and fully investigate all known or suspected violations of this Ordinance received from any citizen and keep a written record.

2. On a first complaint, the ACO, in his or her judgment, may issue a verbal warning. All subsequent warnings must be in writing.

3. The ACO is required to maintain a public file of all complaints and findings.

4. Nothing in this Ordinance is intended to bar or limit the right of the individuals to make written complaints concerning dangerous dogs pursuant to State Law, or bar or limit any law enforcement officer from proceeding to act upon such a written complaint in accordance
B. PROSECUTION.
1. The ACO, on complaint of any person or on his or her own initiative may initiate prosecution for violation of this Ordinance by filing a complaint with the Washington County Division of the Maine District Court and serve a summons and a copy of the complaint to the owner.
2. Alternately, the municipal may engage and appoint counsel to prosecute the alleged violations.

C. COMPLAINT FOR DOGS PRESENTING IMMEDIATE THREAT TO THE PUBLIC.
1. After filing a complaint in District Court and before hearing, the dog shall be subject to muzzling, restraint or confinement upon its owner's premises upon order of the ACO or law enforcement officer who filed the complaint, if that officer believes that the dog poses a threat to the public.
2. The ACO or law enforcement officer may prescribe the degree of restraint or confinement.
3. Failure to comply shall constitute a distinct violation of this Ordinance.
4. Upon failure to comply, and after notice to the owner, the officer may apply to the District Court for an order of authorization to take possession of a dog that poses an immediate threat to the public and turn it over to the care of a suitable person or organization, at the owner's expense. The Court in its final order shall include an order to the owner to pay this expense in a stated amount.
5. If any dangerous, fierce or vicious dog cannot be safely taken up and impounded, such dog may be slain by any police officer or duly authorized animal control officer. In all cases where any dog which has bitten a person or caused an abrasion of the skin of any person is slain by any police officer, whether by order of the court or otherwise, and a period of less than fifteen (15) days has elapsed since the day on which the dog bit any person or caused an abrasion of the skin of any person, it shall be the duty of the police officer slaying such dog to forthwith deliver the carcass and brain to the Chief of Police, who shall forward the brain intact to the Director of Public Health and Wellness.

D. ORDER OF THE COURT.
1. If upon hearing, the Court determines that the Ordinance has been violated, the Court may impose an appropriate penalty.
2. If the Court determines that a dog is a dangerous dog, the Court may order the owner to muzzle the dog and to restrain it and confine it to the owner's premises.
3. If the Court finds that the dog has killed, maimed or inflicted more than de minimis bodily injury upon a person or upon a domestic pet or farm animal, or the Court determines that the dog has a history of attacks then the Court may order the dog to be euthanized. Such euthanasia shall be at the owner's expense.

E. FAILURE TO ABIDE BY A COURT ORDER.
1. An owner's failure to comply with an order issued pursuant to this Section constitutes a violation of this Ordinance. This may be punishable by a new summons or as contempt, following issuance of a show cause order on affidavit of a law enforcement officer.
2. If an order of euthanasia is not complied with by the time set by the Court, the Court may,
upon application by the ACO or other person, and upon notice to the owner, issue a warrant to the ACO to destroy the dog and make return of the warrant to the Court within fourteen (14) days from the date of the warrant.

3. The owner shall pay all costs of any supplementary proceedings and all reasonable costs for seizure and euthanasia of the dog. A failure to pay such costs by the time stated in the order of the Court constitutes a distinct violation of this Ordinance. This may also be punished on proceedings for contempt after issuance of a show cause order.

SECTION XVII. LEGAL PROVISIONS

A. Effective Date: This Ordinance shall take effect upon passage by a majority vote of City Council after public hearings.

B. Interpretation: of this Ordinance shall be according to the purpose of the Ordinance.

C. Conflict with other Ordinances: Whenever the regulations of this Ordinance conflict with those of another ordinance, the stricter shall apply.

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

E. Repeal: This Ordinance shall supercede the City of Eastport Animal Control Ordinance dated January 25, 1978.

Revised / Amended: 1-11-2017

Date Approved 10/12/2016
and Adopted

Effective Date 10/13/2016

Attested By: [Signature]
Ella Kowal, City Clerk
City of Eastport

Bow & Arrow Ordinance

Improper Use of Bow and Arrow:

Within the City of Eastport a person is in violation of this Ordinance if that person is or has been found to have committed any of the following:

1) *No discharge or nocked arrow or bolt starting in South End at County Road bearing East on Washington Street and North on to High Street then East on Clark Street to the water’s edge.*

2) Discharging any arrow or bolt or possesses a nocked arrow or bolt for any purpose from or over any public way or within 50 feet of pavement to include inside or on a motor vehicle.

3) Discharges any arrow or bolt or possesses a nocked arrow or bolt within 100 yards of a dwelling or other public held or occupied structure without written permission from any and all owners of such.

4) Discharges any arrow or bolt or possesses a nocked arrow or bolt within 500 feet of any City School property without written permission from the governing body of said school.

For Purposes of this Ordinance:

A public way is considered *any* and *all* defined public ways as defined under Title 29 Section 101 of Maine Revised Statutes.

Definition of Dwelling: “Dwelling” means a structure, all or part of which is designed or used from human habitation, including a dwelling unit.

Definition of Nocked Arrow: “Nocked Arrow or bolt” means to fit an arrow or bolt on a string of a bow or a crossbow.

The penalty for violating this Ordinance is forfeiture of all apparatus and/or equipment used in violation of this Ordinance and a fine of $500.00.
EMERGENCY MANAGEMENT
ORDINANCE

Adopted: June 14, 2010
Last Revision: June 14, 2010

Approved:

Capt. Robert Peacock (Council President)  
Date 6/24/10

Dave Morang (Council)  
Date 6/22/2010

Paul Critchley (Council)  
Date 6/22/2010

Earl Small (Council)  
Date 6/23/2010

John Miller (Council)  
Date 6/25/2010
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1.0 Purpose

It is the intent and purpose of this Ordinance to establish an Emergency Management Agency in compliance and in conformity with the provisions of Title 37-B, MRSA, Section 781 et seq., to ensure the complete and efficient utilization of the City of Eastport’s facilities and resources to combat disaster as defined herein. Furthermore, this Ordinance is to establish and appoint the responsibilities and powers of the Emergency Management Director in the event of a disaster situation.

2.0 Definitions

The following definitions shall apply in the interpretation of this ordinance:

2.1 Emergency Management Agency. “Emergency Management Agency” means the agency created under this ordinance for the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, in order to minimize and repair injury and damage resulting from disasters or catastrophes caused by enemy or terrorist attacks, sabotage, riots or other hostile action, or by fire, flood, earthquake or other natural or man-made causes. These functions include, without limitation, firefighting, police, medical and health, emergency welfare, rescue, engineering, public warning and communications services; evacuation of persons from stricken areas; allocation of critical materials in short supply; emergency transportation; other activities related to civilian protection and other activities necessary to the preparation for the carrying out of these functions.

2.2 Emergency Management Agency Forces. “Emergency Management Agency Forces” shall mean the employees, equipment and facilities of all City departments, committees, boards, institutions and commissions; and in addition, it shall include all volunteer persons, equipment and facilities contributed by or obtained from volunteer persons or agencies.
2.3 Director. "Director" means the director of the City of Eastport Emergency Management Agency, appointed as prescribed in this ordinance. This position title shall be "Emergency Management Director".

2.4 Disaster. "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause including, but not limited to, fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, critical material shortage, infestation, explosion or riot.

3.0 Organization

The City Manager shall be responsible for the agency's organization, administration and operation. The City Manager may employ such permanent or temporary employees as he deems necessary and prescribe their duties.

The City Council shall review the existing operational organization to ascertain the agency's ability to cope with its responsibilities and shall approve the City's Emergency Operations Plan.

4.0 Appointment of Director; Duties and Responsibilities

The City Council shall appoint an Emergency Management Director, who shall coordinate the activities of all City departments, organizations and agencies for civil emergency preparedness within the City and maintain a liaison with other emergency management agencies, public safety agencies, and have such additional duties as prescribed by the City Council.

Where suitably qualified the City Council shall appoint the City Manager to the position of Emergency Management Director.

The City Council President shall ensure the City Manager as Emergency Management Director meets the legal requirements necessary to fulfill the position i.e. NIMS certification compliance.
5.0 Rules and Regulations

The Emergency Management Director shall prepare such policies as may be deemed necessary for the administration and operational requirements of the agency, such policies must be approved by the City Council prior to becoming effective.

6.0 Emergency Proclamation

The City Manager shall have the power and authority, after consultation with the Chairperson of the City Council, to issue a proclamation that an emergency exists whenever a disaster or civil emergency exists or appears imminent. The proclamation may declare that an emergency exists in any or all sections of the city. If the City Manager is temporarily absent from the City or otherwise unavailable, the person designated by the City Manager may issue the proclamation that an emergency exists. If neither the City Manager nor the person designated to act in the City Manager’s absence is available, then the following persons shall have the power and authority to issue a proclamation that an emergency exists, in the following order of succession: the Emergency Management Director, the Police Chief, the Fire Chief, and the Public Works Director/Supervisor. A copy of such proclamation shall be filed within twenty-four (24) hours in the office of the City Clerk.

Notwithstanding the above, when consultation with the Chairperson of the City Council would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the City Manager, or his successor as outlined above, is authorized to take whatever actions are necessary to prevent the loss of life and property in the City.

The City Manager/Emergency Management Director shall be responsible for submitting a full report to the City Council of all actions taken as a result of the declared emergency as soon as the City Council can be convened.

7.0 Termination of Emergency

When the City Manager or his successor as outlined above is satisfied that a disaster or civil emergency no longer exists, he shall terminate the emergency proclamation by another
proclamation affecting the sections of the City covered by the original proclamation, or any part thereof. Said termination of emergency shall be filed in the office of the City Clerk.

No state of emergency may continue for longer than seven (7) days unless renewed by the City Council.

8.0 City Manager's Duties and Emergency Powers

During any period when an emergency proclamation is in effect, the City Manager may promulgate such regulations as he deems necessary to protect life and property and to preserve critical resources within the purposes of this ordinance. Such regulations may include, but are not limited to, the following:

1. Regulations prohibiting or restricting the movement of vehicles in areas within or without the City;
2. Regulations facilitating or restricting the movement of persons within the City;
3. Regulations pertaining to the movement of persons from hazardous areas within the City;
4. Such other regulations necessary to preserve public peace, health and safety.

Nothing in this section shall be construed to limit the authority or responsibility of any department to proceed under powers and authority granted to them by state statute, city ordinance or the charter of the City of Eastport.

The City Manager or his designee may order the evacuation of persons from hazardous areas within the City.

The City Manager or his designee shall be authorized to request aid or assistance from the state or any political subdivision of the state and may render assistance to other political subdivision under the provisions of Title 37-B, M.R.S.A.
The City Manager may obtain vital supplies, equipment and other items found lacking and needed for the protection of health, life and property during an emergency without following normal purchasing or formal bid procedures.

The provisions of this section will terminate at the end of the declared emergency.

9.0 Emergency Operational Plans

The Emergency Management Director shall prepare an all hazard emergency operational plan for the City, which shall be submitted to the City Council for approval.

It shall be the responsibility of all municipal departments and agencies to perform the functions assigned and to maintain their portions of the plan in a current state of readiness. The City plan shall be reviewed periodically by the City Manager/Emergency Management Director in conjunction with all City department heads.

10.0 Immunity from Liability

All Emergency Management Agency Forces, while engaged in Emergency Management Agency activities, shall be immune from liability, as set forth in Title 37-B, Section 822 M.R.S.A.

11.0 Compensation for Injuries

All Emergency Management Agency Forces shall be deemed to be employees of the State when engaged in training or on duty and shall have all of the rights of State employees under the Workmen's Compensation Act, as set forth in Title 37-B, Section 823 M.R.S.A.

12.0 Violation of Regulations

It shall be unlawful for any person to violate any provisions of this ordinance or of the regulations or plans issued pursuant to the authority contained herein, or to obstruct, hinder or
delay any Emergency Management Agency Forces as herein defined in the enforcement of the provisions of this ordinance or any regulation or plan issued hereunder.

12.1 Penalty

Any person, firm or corporation violating any provision of this ordinance or any rule or regulation promulgated hereunder, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars ($100.00) and not more than five hundred dollars ($500.00) and the costs of prosecution.

13.0 Severability

Should any provisions of this ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions or of this ordinance as a whole, it being the legislative intent that the provisions of this ordinance shall be severable and remain valid notwithstanding such declaration.

14.0 Conflicting Ordinances, Orders, Rules and Regulations Suspended

At all times when an emergency proclamation is in effect, the orders, rules and regulations made and promulgated pursuant to this ordinance shall supersede all existing ordinances, orders, rules and regulations, insofar as the latter may be inconsistent herewith.
An Ordinance Banning the Use of Engine Brakes in the City of Eastport
The City of Eastport, Maine adopts this Ordinance banning the use of Engine Brakes within City limits as follows:

Preamble

Whereas, the City Council of the City of Eastport, Maine seeks to protect public safety, preserve the quality of life, and prevent nuisances in the City; and

Whereas, the City Council finds the practice of engine braking by diesel trucks (sometimes referred to as 'Jake Braking', but not to be confused with the registered trade mark 'Jake Brake' belonging to Jacobs Vehicle Systems, Inc.) creates disturbing, excessive and offensive noise when it occurs within the city limits; and

Whereas, Pursuant to Maine law M.S.R.A. Title 30 §3009 the City Council has the authority to enact all traffic ordinances in the municipality and publish an ordinance or police regulation. The municipal officers may regulate the operation of all vehicles in the public ways and on publicly owned property.

Now, Therefore, Be It Ordained by the City Council of Eastport, Maine that:

I. Purpose and Authority

A. Purpose – Engine Braking Ordinance

This Ordinance prohibits the use of engine braking within the Eastport City Limits. It shall be unlawful for the driver of any vehicle to use or operate, or cause to be used or operated, anywhere within the Eastport City Limits, any engine brake, compression brake, or mechanical exhaust device to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle.

B. Title and Authority

This Ordinance shall be known as “the City of Eastport Engine Braking Ordinance”. It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of Title 30-A M.R.S.A §3001 and the provisions of Title 30 M.S.R.A. §3009

II. Definitions

Engine Braking: any method of slowing diesel trucks in a manner that produces a loud noise, particularly by venting the cylinder of the diesel engine midway through its cycle causing the engine, instead of producing power, to absorb power, thereby slowing the truck down dramatically. It shall also include the production of excessive noise produced by engine retarders due to a truck operating with improperly maintained, defective, or modified muffler systems or the use of straight exhaust pipes with no mufflers.
III. Exceptions
The only exception to this ordinance shall be in the event of a mechanical failure of the regular braking system of the vehicle as an emergency measure only.

IV. Violation Penalties and Enforcement

A. Penalties

i. Any person who violates this ordinance by activating engine braking systems within the City limits of the City of Eastport shall be guilty of a civil offence and shall be subject to punishment by a fine of not less than $200 hundred dollars ($200) and not more than five hundred dollars ($500) plus costs.

B. Enforcement

This Ordinance will be subject to enforcement by the Chief of Police and Certified Officers of the Eastport Police Department.

V. Effective Date

This Ordinance takes effect immediately upon adoption by the Eastport City Council at a City Council Meeting following a public hearing and shall remain in effect indefinitely until otherwise repealed or modified in accordance with Maine Law.

VI. Severability

Should any section, subsection or portion of this Ordinance be declared by any court of competent jurisdiction to be invalid for any reason, such a decision shall not be deemed to invalidate any other section, subsection or portion of this Ordinance.
"THE CITY OF EASTPORT HEREBY ORDAINS:"

CITY OF EASTPORT WEAPONS
FIREARMS CONTROL ORDINANCE

FIREARMS By definition: (M.R.S.A. 17A) "Firearm" Means any weapon, whether loaded or unloaded, which is designed to expel a projectile by the action of an explosive and includes any such weapon, commonly referred to as a pistol, revolver, rifle, gun, or shotgun. Any weapon which can be made into a firearm by the insertion of a firing pin, or other similar thing, or by repair, is a firearm.

Section 1 - Discharge of weapons Firearms

It shall be unlawful to discharge any firearm, as defined above, bee-bee gun, or any toy gun, projection lead or any missiles in the City of Eastport, with the exception of a regularly established shooting gallery: provided that this shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty; nor to any or citizen for discharging a firearm when lawfully defending person or property.

Section 2 - Weapons - Firearms

It shall be unlawful to carry any concealed weapons firearm in the City of Eastport in violation of the laws of this State the State of Maine. This ordinance is not intended to prevent the transporting of unconcealed weapons firearms from the owners residence to a repair shop for necessary repairs or the transporting transportation of unconcealed weapons firearms from the owners residence to an area where legalized hunting of game is permitted, or the transporting transportation of weapons firearms from a place where sale of a weapon firearms is consummated to the new owners residence provided that illegal usage of the weapon firearm during such transportation is prohibited. Provided further that nothing in this ordinance shall prohibit the carrying of a weapon firearm for which a duly authorized permit for carrying a weapon firearm has been issued.

Section 3 - Violations
Upon conviction of a violation of this ordinance a person shall be punished by a fine of not less more than One Five Hundred Dollars. All fines imposed under the provisions of this ordinance shall be recovered to the use of the City of Eastport.

Section 4 – Effective Date

This ordinance shall become effective 14 June, 1968. __March 23, 2010__________

To replace the City of Eastport Weapons Control Ordinance dated 14 June, 1968.

The original use of the word weapon has been eliminated in favor of the use of firearm. As defined in Webster’s Unabridged Dictionary a weapon is an instrument of attack to defend oneself.

A True Copy

Attest: [Signature]
Helen Archer, City Clerk

03/09/2010
Use and Sale of Fireworks-City of Eastport, Maine

The City of Eastport, Maine adopts this Ordinance regulating the sale and use of Fireworks and Consumer Fireworks as follows:

Article I. Preamble

Whereas, an act to legalize the sale, possession and use of fireworks was passed by the 125th Maine Legislature and signed on July 1, 2011; and

Whereas, the act authorized more stringent local Ordinances in the regulation of fireworks; and

Whereas, the City of Eastport recognizes the potential for fire, injury and property damage, and further recognizes the history of fire, injury and property damage in regards to the sale and use of fireworks; and

Whereas, the potential sale and use of fireworks in the City of Eastport raises legitimate and substantial questions and concerns about the impacts of such sale and use, including but not limited to, the compatibility with existing land uses, potential for serious fire risks, and potential adverse health and safety risks upon member of the community resulting from the sale and use of consumer fireworks and potential burdens upon the First Responders of the City of Eastport.

Now, therefore, based upon foregoing findings, be it hereby ordained that the City of Eastport does enact the following Ordinance prohibiting the sale and regulating the use of consumer fireworks in the City of Eastport.

Article II. Purpose and Authority

A. Purpose

This Ordinance governs and prohibits the sale and regulates the use of consumer Fireworks in the City of Eastport. It is intended to protect residents from injury, fire and to allow them peaceful enjoyment of their property. It is further intended to reduce the burden on City resources such as Fire, EMS and Police.

B. Title and Authority

This Ordinance shall be known as the “City of Eastport Fireworks Ordinance. It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A MRSA sec 3001, and Public Law 2011, ch 416 sec 5, codified at 8 MRSA sec 223-A.

Article III. Definitions

A. Consumer Fireworks—“Consumer Fireworks” has the same meaning as that term is used in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a third party testing
laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47. “Consumer Fireworks” does not include the following products which are illegal to sell, use or possess in Maine:

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 the definition: “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. Fireworks—“Fireworks” has the same meaning at that term is used in 8 MRSA Sec 221-A (4) as may be amended from time to time.

Fireworks means any combustible or explosive composition or substance; any combination of such substances; or any other article which was prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including blank cartridges or toy cannons in which explosives are used, the type of balloon which requires fire underneath to propel it, firecrackers, torpedoes, skyrockets, roman candles, bombs, rockets, wheels, colored fires, fountains, mines, serpents or other fireworks of like construction; any fireworks containing any explosive substance or flammable compound. The term “Fireworks” does not include consumer fireworks or toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing 25/100 grains or less of explosive compound are used if they are constructed so that the hand cannot come in contact with the cap when in place for the explosion, toy pistol paper caps that contain less than 20/100 grains of explosive mixture, sparklers that do not contain magnesium chlorates or perchlorates or signal, antique or replica cannons if no projectile is fired.

Display or Commercial Grade Fireworks are fireworks that only trained and licensed pyrotechnicians may handle and use within regulatory structure set forth in 8 MRSA Sec 9-A.

Article IV. Sale of Fireworks and Consumer Fireworks Prohibited

No person or entity shall sell, or offer for sale fireworks or consumer fireworks within the City of Eastport.

Article V. Use of Fireworks and Consumer Fireworks Prohibited

The use of fireworks and consumer fireworks is prohibited in the City of Eastport, with the exception of July 3 and 4, the Friday and Saturday of the Pirate Festival, and New Year’s Eve.
Article VI. Exceptions

This Ordinance does not apply to a person or company issued a Fireworks Display Permit by the City of Eastport and/or the State of Maine pursuant to 8 MRSA Sec 227-A as may be amended from time to time. Such individuals or companies will be required to submit proof of license to perform public displays and liability insurance for such.

Article VII. Violation Penalties and Enforcement

A. Penalties
   1. Any person who uses fireworks or consumer fireworks in violation of this Ordinance shall be subject to a fine of not less than $350 and not more than $500 plus costs. For the purpose of this subsection, each instance of use of fireworks or consumer fireworks shall constitute a separate violation.
   2. In addition to any State penalties for the unlicensed sale of fireworks and/or consumer fireworks, any person who offers for sale fireworks or consumer fireworks in the City of Eastport shall be subject to punishment by a fine of not less than $500 plus costs. For the purpose of this subsection, each instance of sale of fireworks or consumer fireworks shall constitute a separate violation.

B. Enforcement
   This Ordinance will be subject to enforcement by the Chief of Police and any Certified Officer of the Eastport Police Department.

C. Injunction
   In addition to any other remedies available at law or equity, the City of Eastport may apply to any Court of competent jurisdiction to enjoin any planned, anticipated or threatened violation of this Ordinance, and may seek penalties specified in 30-A MRSA Sec 4452, including, but not limited to injunctions, penalties, attorney's fees and costs. For the purpose of this subsection, each day of a violation constitutes a separate violation.

D. Seizure and Disposal
   The City of Eastport may seize fireworks or consumer fireworks that the City has probable cause to believe are used or sold in violation of this Ordinance and State law and shall forfeit seized fireworks to the State for disposal.

Article VIII. Effective Date

This Ordinance takes effect sixty days after adoption by the Eastport City Council at a City Council meeting following a Public Hearing and shall remain in effect indefinitely until otherwise repealed or modified in accordance with Maine law.

Article IX. Severability

Should any section, subsection or portion of this Ordinance be declared by any Court of competent jurisdiction to be invalid for any reason, such a decision shall not be deemed to invalidate any other section, subsection or portion of this Ordinance.

Adopted & Date Approved: 8 January 2014
Effective Date: 9 March 2014
ATTEST: Ella Kowal, City Clerk
FLOODPLAIN MANAGEMENT ORDINANCE
FOR THE
CITY OF EASTPORT, MAINE

ENACTED: 6-21-2017
EFFECTIVE: 7-18-2017
CERTIFIED BY:
Signature
CERTIFIED BY:
Print Name
Title

60.3(e)
Prepared 1/25/17 by DACF/JP
# FLOODPLAIN MANAGEMENT ORDINANCE

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60.3 (e) Rev. 01/17
ARTICLE I – PURPOSE AND ESTABLISHMENT

Certain areas of the City of Eastport, 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 City of Eastport, 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 City of Eastport, 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 City of Eastport 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 City of Eastport 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 City of Eastport, Maine.


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 City of Eastport, 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 or North American Vertical Datum (NAVD) of the:

1. base flood at the proposed site of all new or substantially improved structures, which is determined in Zones AE, AO, and VE from data contained in the "Flood Insurance Study - Washington County, Maine," as described in Article I;

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 of $50 shall be paid to the City of Eastport and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer, Planning Board, and/or the 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 the base flood and floodway data contained in the "Flood Insurance Study - Washington County, Maine," as described in Article I. in the review of all Flood Hazard Development Permit applications.

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. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
2. Zone AO shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.
3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
   a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
   b. at least three feet if no depth number is specified.
4. 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. Zone 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 AO shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
   a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
   b. at least three feet if no depth number is specified; or,
   c. together with attendant utility and sanitary facilities, be floodproofed to meet the elevation requirements of this section and the floodproofing standards of Article VI.G.1.a., b., and c.

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

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

1. Zone 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 AO shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.

3. Zone AO shall have the lowest floor (including basement) of the manufactured home elevated above the highest adjacent grade:

a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,

b. at least three feet if no depth number is specified; and,

c. meet the anchoring requirements of Article VI.H.1.c.

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

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

1. Zone AE shall either:

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

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

   c. 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 AO 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.I.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 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 riverine areas, for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.
L. **Enclosed Areas Below the Lowest Floor** - New construction or substantial improvement of any structure in Zones AE and AO 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:
   - be engineered and certified by a registered professional engineer or architect; or,
   - 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 AO, 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:
   - the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and
   - the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all
structural components. Water loading values used shall be those associated with the base flood.

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

1. Zones AE and 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.

2. Zone AO shall have adequate drainage paths around containment walls on slopes, to guide floodwater away from the proposed walls.

3. Zone AO shall have the top of the containment wall elevated above the highest adjacent grade:
   a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
   b. at least three feet if no depth number is specified; and,
   c. shall meet the requirements of Article VI.N.1.b. & c.

O. **Wharves, Piers and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones AE, AO, 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 to enclose less than 300 square feet of area with 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 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 City of Eastport 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** - means a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of 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 Shallow Flooding** - a designated AO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**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 AE, or AO, 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 AE, or AO, 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. 01/17
Prepared by DACF/JP
HARBOR ORDINANCE
CITY OF EASTPORT

Original 07/16/84
Superseded 05/06/87
Amended 05/10/88
Amended 06/14/88
Amended 06/04/90
Amended 04/06/92
Amended 03/06/95
Amended 03/06/95
Amended 04/21/03
Amended 05/09/05
Amended 09/12/05 (tentative)
Amended & Approved by City Council 12/10/07
Amended & Approved by City Council 2/9/11
Amended & Approved by City Council 6/10/2015

A TRUE COPY:
ATTEST: [Signature]
Ella Kowal, City Clerk
# HARBOR ORDINANCE
OF THE
CITY OF EASTPORT, MAINE

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<td>1</td>
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## APPENDIX

- **FEE STRUCTURE "A"** .................................................. 14-15
- **HARBORMASTER JOB DESCRIPTION “B”** ...................... 16-17
- **ASSISTANT HARBORMASTER DUTIES** .......................... 18
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HARBOR ORDINANCE
OF THE
CITY OF EASTPORT

1. PURPOSE

1.1—The purpose of this ordinance is to provide for the just and orderly operation of marine activities in Eastport's waters, harbor, and breakwater and associated channels.

2. DEFINITIONS

Channel – From the entrance to the inner basin formed by the Breakwater and Fish Pier, there shall be a channel 35 feet wide, extending to the float at the Breakwater. The channel centerline shall start at a point midway between the southerly end of the Breakwater and the end of the Fish Pier.

Breakwater – The "L" shaped pier located off Water Street at the intersection of Sullivan Street.

Fish Pier – The pier located off Water Street at the Parking Lot.

Harbor – Eastport's harbor shall include the waterfront as described by State Law Title 38 and Pages 3 & 4 of Bulletin 648 "Guide for Harbor Management".

Residency –

Eastporter – 1 – Resident of or businesses incorporated in, Eastport engaged in water based commercial business, i.e. Commercial fishing, Boat Charter, Tug Boat, Diving, etc. with Eastport Boat Excise Tax.

Eastporter – 2 – Resident of Eastport with non-commercial or pleasure boats, with Eastport Boat Excise Tax.

Cobscook Bay Area – Resident of Perry, Pleasant Point, Pembroke, Dennysville, Edmunds, Whiting, or Lubec.

Non-Resident – All others.

Waters – Eastport's waters shall include that area of water to the high tide level within Eastport's legal boundaries.

Vessel – includes boats of all sizes powered by sail, machinery, or hand; scows; dredges; lobster, crab, and shellfish cars; or craft of any kind.
3. HARBOR COMMITTEE

3.1 Membership – There shall be a permanent harbor committee composed of seven (7) members appointed by the City Council upon the recommendation of the Port Authority. The committee members shall include a member of the Port Authority, a City Council member, the City Manager, and four members at large representing various aspects of marine use.

3.2 Purpose – The committee exists for the general purpose of studying and evaluating public usage of and access to the harbor area, advising Port Authority Board on policy matters and proposed regulations concerning the harbor, planning and implementing harbor improvements in conjunctions with the Harbor Master, and overseeing the care and maintenance of City-owned waterfront facilities. The Committee shall also sit as an appeals board to hear an appeal from any person aggrieved by any decision, act, or failure to act of the Harbor Master. The Committee shall regularly inform the Port Authority Board of its activities.

3.3 Conflict of Interest – Any questions of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

3.4 Removal – A committee member may be removed by the City Council upon the recommendation of the Port Authority if she/he fails to attend three (3) consecutive meetings of the Committee without being excused by the Committee.

3.5 Terms – The term of office shall be three (3) years for members at large except the initial appointments which shall be as follows: two (2) members for three (3) year terms, one (1) member for a two (2) year term, and one (1) member for a one (1) year term. The other three (3) members shall be appointed for one year terms.

3.6 Meetings – The Harbor Committee shall meet at the request of the Harbor Master with notice for said meeting being made by regular posting at least one week in advance.

4. Harbor Master
4.1.1 Harbor Master – The Harbor Master is appointed by the City Council upon the recommendation of the Port Authority. Certain duties and responsibilities of this office are prescribed by Title 38, Maine Revised Statutes Annotated. The Harbor Master has the additional duty to administer and enforce the provisions of this Ordinance and any future amendments.

4.1.2 Harbor Master Salary – “See Appendix B”

4.2 Assistant Harbor Master – An Assistant Harbor Master shall be nominated by the Harbor Committee in consultation with the Harbor Master and appointed by the City Council upon the recommendation of the Port Authority.

4.2.1 Assistant Harbor Master Salary – “See Appendix B”

4.3 Administrative Assistance – The Harbor Master may utilize the City Hall and Eastport Port Authority for assistance in the administrative aspects of his/her responsibilities.

5 Rules for Harbor Use

5.1 Prudent Operation of vessels – Vessels shall be operated in Eastport’s waters in a reasonable manner so as not to endanger persons or property. In special anchorage areas, narrow channels and congested mooring or berthing areas, the speed of all boats shall be reduced to headway seed. For the purpose of this ordinance, headway speed is the slowest speed that a power boat may be operated and maintain steerage way. Provisions of Title 38 Sub Chapter VIII shall apply.

5.1.1 Free passage – No person shall restrict the legal passage of any watercraft by any means within the waters of the City of Eastport.

5.2 Debris

5.2.1 No person shall permit or cause the abandonment of any boat, raft, float, or solid debris, or permit the same to become derelict upon the shores or in the waters of the City of Eastport.

5.2.2 No person or vessel shall cause to be deposited into the waters of the City of Eastport any substances tending to obstruct the navigation of said waters, or to shoal the depth of said waters, or to pollute the waters thereof.

5.3 Docking & Mooring

5.3.1 Docking and mooring of watercraft shall be under the control and supervision of the Harbor Master. The Harbor Master shall have all the powers, vested in him/her by Maine State Statutes and this
ordinance, to move any vessel or mooring deemed to be in violation of this Ordinance or State Statute.

5.3.2 Use of float ramps for loading, unloading and repairs scheduled through the Harbor Master.

5.4 Rafts & Barges – Shall be subject to all the provisions herein regarding vessels, except those provisions, which by their very nature can have no application.

5.5 Rules In Common

5.5.1 The Harbor Master has full jurisdiction over the Inner Basin, Breakwater, Fish Pier, all floats (North and South side) and moorings in the City of Eastport, for the purpose of enforcement of all Federal, State, and Local laws and regulations.

5.5.2 Any boats in violation of these rules will be subject to being removed by the Harbor Master at owner's risk and owner's expense. For repeated violations, the Eastport Port Authority may terminate the assigned berth and retain berthing fees paid. Claims for unpaid fees shall be submitted to Small Claims Court.

5.5.3 Any boats taking another boat's assigned berth and left unattended will be removed at owner's risk and owner's expense.

5.5.4 All boats that are berthing in the Inner Basin or along the Breakwater must;

5.5.4.1 have current excise tax paid
5.5.4.2 have current registrations stickers
5.5.4.3 have registration numbers displayed
5.5.4.4 have current Eastport registration sticker – when available
5.5.4.5 be in compliance with all other Federal, State, and Local laws, regulations, and ordinances.

5.5.5 All boats will have and use the bow and stern lines with length of each not less than ¾ of the length of the boat and a diameter of not less than;

5.5.5.1 3/8" for up to 20' boats
5.5.5.2 1/2" for 21' to 40' boats
5.5.5.3 5/8" for 41' to 60' boats
5.5.4 Boats in violation of this section 5.5.1 through 5.5.3 may have the ropes replaced by the Harbor Master and billed for materials and labor. A verbal/written notice will be issued with replacement to occur within 24 hours.

5.5.6 All boats will be maintained and capable of being utilized at any time without endangering the welfare of the user. Special exceptions for boat repair and maintenance may be granted by the Harbor Master.

5.5.7 To the extent that space is available and according to any berthing arrangement which the Harbor Master or Port Authority may establish, both municipal piers may be used for the docking of all water crafts which can safely do so without endangering the safety of water craft already docked there or doing any damage to either pier.

5.5.8 Any damage to the Breakwater, the float piers, or other property shall be paid for by the owner of the boat responsible for the damage. Repairs to City of Eastport property shall be undertaken by the Eastport Port Authority or the Harbor Master, and cost thereof paid for by the responsible party.

5.5.9 Boats assigned to rafted berths will have bow and stern lines from the outside boat to the pier along with bow and stern lines to the next boat in. Rafted boats are assigned by row but not by position, it is up to the assigned boats to work out a workable agreement. If a workable agreement cannot be reached, assignment will be made by the Harbor Master.

5.5.10 The use of the Municipal Piers industrially, commercially or by the public for other community purposes including, but not limited to, accessing the waterfront, common day use and/or for loading and unloading by watercraft shall be subject to reasonable oversight and regulation by the Port Authority. The Port Authority reserves the right to charge a users fee for berthing privileges, use of the upper surface of both piers, or for cargo passing over either pier.

5.5.11 Any vessel engaging in commercial berthing operations shall be required to be adequately insured and show a certificate of insurance for such activity. The vessel will also be required to show the Eastport Port Authority as an additional insured as it pertains to Protection and Indemnity (P&I.) for any and all exposures of the Eastport Port Authority as a result of said operations. This is not meant to include regular loading/off loading of commercial vessels as part of standard commercial fishing operations not involving the public. In cases needing clarity, insurance requirements shall be determined by review of the Eastport Port Authority prior to any commercial berthing operations commencing.
5.5.12 No boat owner or user shall deposit any scrap metal, garbage, petroleum products, fish waste, toxic chemicals, or other debris on the Breakwater, floats, or in the water adjacent to the Breakwater.

5.5.13 A vessel may be denied access to either municipal pier for the following reasons; the vessel

5.5.13.1 is structurally unsafe.

5.5.13.2 utilizes a wood stove for heat.

5.5.13.3 emanates noxious fumes, oils or other substances.

5.5.13.4 carries anyone on board who has contracted an infectious disease.

The Harbor Master, upon learning of such, must so report to the Bureau of Public Health, Dept. of Human Resources as required by MRSA – Title 22.

5.5.14 The Port Authority may from time to time or for special circumstances modify these regulations so as to allow Fourth of July celebrations, fishing derbies and such to be carried out in traditional fashion w/o being in violation of these regulations, provided any special conditions established by the Port Authority are adhered to.

5.5.15 Before receiving a berthing assignment, every applicant shall pay the fee required in “Appendix A” of these regulations and execute a “Berthing Agreement” on a form to be provided by the City of Eastport in which the boat owner agrees to abide by the regulations described herein.

5.5.16 No gear may be stored on the slip without permission of the Harbor Master.

5.5.17 In order to facilitate commercial fishing operations, fishing gear may be staged in the southwest corner of the breakwater on a temporary basis. Any and all gear left in this area at minimum of overnight must have owner identification and contact information clearly marked upon it. Any gear found without this marking or left in excess of 21 days will be removed by the harbor master and retained for 60 days at the owners cost. If not claimed within the 60-day period, the harbor master may dispose of the item(s). The owner of the item(s) will be responsible for any and all costs that may be associated with the disposal. This section of the ordinance pertains only to regular and customary fishing gear and strictly prohibits any and all other items from being stored for any length of time. Items found in violation may be removed immediately at owners ultimate expense.
5.5.18 When available, harbor users in good standing will have access to the harbor-owned cranes located at the facility. These units will require a regulated key for access, said keys to be provided by the Harbor Master. These keys once provided to harbor users remain the property of the harbor. They are not to be shared, duplicated or otherwise manipulated without permission of the Harbor Master. Any person found doing so may be subject to penalty up to and including immediate loss of berthing. Upon relinquishing of a berth, harbor users must return the key to the Harbor Master or his designee. Any keys lost or stolen may be subject to a replacement fee of not more than $250.00. This is required due to special controlled nature of the keys. Any persons found accessing the crane outside the parameters of this ordinance may be subject to penalty.

6. Penalties

6.1 Except as enumerated elsewhere in this ordinance or as stated by the Maine Revised Statutes, violation of this ordinance shall be punishable as follows: Any person who shall violate any provision of this ordinance shall be punished upon conviction, by a fine of not less than one hundred dollars ($100.00) and not more than one thousand dollars ($1000.00) and all fines shall be remitted to the Eastport Port Authority. Each day that such violation continues to exist shall constitute a separate offense. The Harbor Master or any other law enforcement officer with jurisdiction within the City of Eastport shall have the authority to enforce this ordinance.

6.2 Penalties for violations of the laws of Maine with regard to speed restrictions, reckless operations of a vessel, and operation of a vessel while under the influence of liquor or drugs shall be as provided in Title 38 MRSA Sect. 255.281, as amended.

6.3 Failure to obey any order of the Harbor Master may be subject to criminal prosecution under Title 38 Section 13.

6.4 If the Harbor Master incurs costs in the conduct of his duty as a direct result of the failure of a vessel owner or operator to comply with the laws and regulations, the Harbor Master will recover those costs and reasonable remuneration from the governing agency. The governing agency can recover these costs by filing a civil complaint against such owner or operator in District Court.

6.5 The Eastport Port Authority reserves the right on any and all occasions or instances to revoke berthing privileges of any person(s) or vessel(s) found to be in violation of this ordinance.

6.6 Except where enumerated elsewhere, any person(s) or vessel(s) found in violation of this ordinance may appeal the finding to the Eastport Port Authority.
Authority Board. Notice of intent to appeal must be filed and delivered in writing to the Port Authority Office no later than 15 days from date or occurrence to include date of occurrence. Failing to do so will result in the loss to right of appeal. Should violation be prosecuted through the Maine State Court system, appeals process is through Court System only.

7. Annual and Seasonal Berthing Regulation & Fees

7.1 Priority for Berthing Spaces

Berthing spaces shall be assigned by the Eastport Port Authority and/or the Harbor Master. Primarily, the North side of the Breakwater, along with the North & South side of the Fish Pier, shall be reserved for pleasure and transient craft and the Inner Basin facility for commercial operations and the Coast Guard. Use of the Fish Pier and the South end of the Breakwater shall be scheduled with the Harbor Master. Special circumstances berthing assignments shall be at the discretion of the Harbor Master. The following descending list of priorities shall be used in the event of shortage of berthing space.

7.1.1 Eastporter - 1
7.1.2 Eastporter - 2
7.1.3 Cobscook Bay Area
7.1.4 Non-residents

7.2 Retention of Berthing Slots

7.2.1 All berths shall be renewable annually by the original licensee upon;

7.2.1.1 Payment of the appropriate fee,

7.2.1.2 Notification of intention to renew at least 30 day prior to season start. This to include annual and seasonal berths. Billing notices shall be sent by Eastport Port Authority no later than 45 days prior to applicable season start.

7.2.1.3 Completion of the necessary forms,

7.2.2 The right to renew is nontransferable.

7.2.3 When available, those with an annual berthing slot in the inner basin may move to an outside seasonal berth, charged for said berth as a complete season as described in appendix “A”. In doing so they relinquish the right to the inner berth for said season. In turn the fee for the inner basin berth will be pro-rated
and charged at an 8 month consideration for berthing and electrical (if so equipped). The Eastport Port Authority reserves the right to re-sell the inner basin berth as a seasonal berth as described in appendix "A" with the berth reverting back to original lessee at the end of seasonal term.

7.3 Berthing Fees

7.3.1 The rates in "Appendix A" shall be charged by the Eastport Port Authority for the berthing inside and outside breakwater at either the northern or southern ends of the Breakwater, the fish pier, the fish pier floats and/or float on the North side of the Breakwater.

7.3.1.1 Inner basin berths are sold on a calendar year consideration. Berths issued within the calendar year will be pro-rated to the end of current year. Inner basins can be transferred to seasonal on a first come first serve basis as described in Section 7.2.3.

7.3.1.2 Seasonal Berths are sold for a seasonal period as listed in Appendix "A". Seasonal berths issued within the defined "season" will be pro-rated on a monthly basis with any period within any given month would constitute full month billing. Any vessel staying over the seasonal period as defined may be charged transient rates for each day remaining at the seasonal berth.

7.3.1.2.1 Due to the nature of the weather and other circumstances, the Eastport Port Authority reserves the right to modify seasonal time parameters as duly necessary. As a result vessels may be required to vacate berth to accommodate these needs. In the instance that a season is shortened as a result of these needs, the Eastport Port Authority shall pro-rate the berthing fee accordingly.

7.3.1.2.2 Seasonal Berths may be issued at the Large Vessel Attenuators located on the north side of the Fish Pier with seasonal price reduction as listed in Appendix "A". This is done with the following considerations:

7.3.1.2.2.1 Vessels are subject to being moved when necessary for the Eastport Port Authority to accommodate a transient vessel in excess of 65 feet. Vessels when moved shall be placed at a temporary alternative spot as determined by the Harbor Master with order of preference being other seasonal berth, inner basin to include rafted/nonrafted or mooring. Vessel will not be charged for temporary berth.
7.3.1.2.2.2 Vessels shall be subject to move as soon as reasonable possible, to include being moved by the Harbor Master. In the case of a move done by the Harbor Master, vessel owner agrees to indemnify and not hold Harbor Master and Eastport Port Authority liable for damages or costs incurred other than those caused by negligence. Vessel owner(s) will be required to sign a waiver indicating such prior to berth issuance.

7.3.1.2.2.3 Vessels can be returned to Attenuator Berth by owner as soon as berths are again deemed available by Harbor Master.

7.3.1.2.2.4 In the case of extraordinary times of displacement, the Harbor Master has the authority to issue a credit for fees paid by berthing vessel.

7.3.1.3 Any annual or seasonal berth vacated by choice of lessee prior to end of term may be subject to pro-rated refund so long as the Eastport Port Authority can fill said berth for remainder of said term.

7.3.1.4 Transient Berths are sold at either a daily, weekly or monthly rate as listed in Appendix "A".

7.3.2 Transient rates shall apply to short term berthing at the East side of the Breakwater when it is not being used for commercial ships or barges and when approved by the Harbor Master.

7.3.3 A fee shall be assessed for the use of all electrical power. Rates are charged as listed in appendix "A". Electrical use will be governed as follows;

7.3.3.1 Each vessel wishing to utilize power will have the responsibility of making individual arrangements for such with the Eastport Port Authority prior to usage. Payment for such must be in full prior to Port Authority authorization.

7.3.3.2 Vessels will be responsible for their own electrical hook-up and will keep in good working order. This to include utilizing appropriate equipment as determined by Harbor Master in consultation with Master Electrician.

7.3.3.3 Sharing of power between individual vessels is strictly prohibited.

7.3.3.4 Any vessel/vessels found in violation of this ordinance shall be subject to immediate loss of berthing and be therefore subject to re-application and approval for berthing space.

7.3.3.5 Recognizing the nature of extenuating circumstances the Eastport Port Authority reserves the right to review each
individual circumstance prior to berthing loss. In case of extenuating circumstances post billing of electrical service may be applied if necessary. Extenuating circumstances may not be considered if notice of said circumstances is not made to the Harbor Master or Port Authority in a timely manner. Most generally, timely is considered within 24 hours of occurrence.

7.3.3.6 Fact finding in this matter will be at the sole decision of Harbor Master and not subject to further review.

7.4 PAYMENT SCHEDULES

7.4.1 Payment is due in full for all berths prior to berthing or as follows:

7.4.2 Annual berths are eligible for payment plans not to exceed 6 months. Such plans must be agreed upon prior to berthing, or in case of renewal within the 30 day renewal notification period.

7.4.2.1 Annual berths paid in full within 30 days of billing will be subject to annual discount rate.

7.5 If any payment is not received by its due date, a letter will be sent requesting payment within 14 days. At the end of the 14 days, another letter will be sent informing the owner that the boat will be removed and/or the berth forfeited within 7 days unless payment is received. This may also be considered a failure to obey an order of the Harbor Master. Exceptions in cases of hardship are at the discretion of the Harbor Master with appeal rights to the Harbor Committee.

7.6 Harbor users who have not paid for a previous season’s use of the harbor will be denied further access to the harbor until the bill for the previous season has been paid.

7.7 Annually, the Port Authority Board; upon a recommendation by the Harbor Committee, may offer a change in fees.

8. Subleasing of Berthing Spots

8.1 All arrangements for subleasing will be through the Eastport Port Authority and approved by the Harbor Master.

9. Moorings

9.1 As of January 1, 1988, all moorings located in waters within the jurisdiction of
the City of Eastport will be registered with and approved by the Harbor Master.

9.2 Any mooring not registered or approved will be removed by the Harbor Master and all costs incurred will be paid by the owner.

9.3 Fee Schedule – See “Appendix A”

9.4 All existing moorings and all moorings to be set in the future shall be of sufficient size to hold the vessel for which they are to be used. All moorings shall be approved by the Harbor Master. Boat and/or mooring owners may be liable for any damage caused by faulty, inadequate, or improperly placed moorings.

9.5 At the expense of the owner, all moorings are subject to inspection before installation and yearly thereafter by the Harbor Master.

9.6 All mooring buoys will be white with blue stripe.

9.7 All moorings will display the registration number, which is supplied by the Harbor Master in 3” minimum black numbers on the white exposed section.

9.8 All moorings are subject to all applicable Federal, State, and Local laws, regulations and ordinance.

10. Aquaculture

10.1 All aquaculture sites located in waters within the jurisdiction of the City of Eastport will be registered with and approved by the Harbor Master.

10.2 Fee Schedule – See “Appendix A”

10.3 All aquaculture sites are subject to all applicable Federal, State, and Local laws, regulations and ordinances.

11. Future Uses:

11.1 In the event that other opportunities, needs or circumstances arise that may require future changes in use and/or designation of harbor resources up to and including associated piers and docks under the control of the Eastport Port Authority the decisions affecting such will subject to the prior review and final approval of the Eastport Port Authority.

12. Separability
12.1 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.

13. Effective Date

13.1 This document shall be effective immediately upon being approved by the City Council of the City of Eastport. Fees for the current period that has been paid prior to the adoption of this ordinance shall not be subject to increases.

Nothing contained herein shall prevent the City of Eastport from amending this ordinance including reduction or elimination of finger piers and/or increasing fees charged. However, a public hearing will be held on any proposed amendment.
## APPENDIX “A”

### A-1 Inner Basin – Annual Per Foot

**12 month occupancy/hold**

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<th>Cobscook/Passamaquoddy</th>
<th>Non</th>
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<tr>
<td>Individual Floats</td>
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<td>$25.00</td>
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<tr>
<td>Rafted</td>
<td>$17.50</td>
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<th><strong>Electrical Service</strong></th>
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<tr>
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<td>Semi-Annual</td>
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<td>Daily Rate</td>
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**NOTE:** RAMP FLOAT LOADING/UNLOADING ONLY

### A-2 North/South Side – Seasonal Per Foot

**4 month occupancy/hold**

**June 1 – Oct 1**

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<td>Inner Basin</td>
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<tr>
<td>Large Vessel Attenuators*</td>
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<td><em>(With Consideration)</em> See – 7.3.1.2.1.</td>
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<td>Half-Season</td>
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**NOTE:** RAMP FLOAT LOADING/UNLOADING ONLY

### A-3 North/South Side Transient – Per Foot

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<td>Weekly</td>
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<td>Monthly</td>
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**NOTE:** RAMP FLOAT LOADING/UNLOADING ONLY
Appendix “A” (cont.)

A-4 Large Vessel Attenuators/Fish Pier per foot
Vessel>65 foot

Daily 3.00

**Electric Service (when available)**

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NOTE: RAMP FLOAT LOADING/UNLOADING ONLY

A-5 Annual Mooring Rates

1. Initial Registration  $55.00
2. Re-Registration      $20.00

A-6 Transient Mooring Rates

<p>| | |</p>
<table>
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<tr>
<th></th>
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</thead>
<tbody>
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<tr>
<td>Monthly</td>
<td>$250.00</td>
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<tr>
<td>Seasonal (4 Month)</td>
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</table>

A-7 Winter Commercial Transient Boat Fee Structure

Prior to receiving a berth assignment every applicant shall pay the full fee.
All Locations (space available basis) cost per foot:

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HARBOR MASTER JOB DESCRIPTION

Harbor Master Duties

- The Harbor Master is an employee of the Eastport Port Authority, recommended by the Harbor Committee, approved and appointed by the City Council upon the recommendation of the Port Authority, supervised and reports directly to the Port Director.

- Enforces locally adopted rules and regulations pertaining to harbor management, duties as described in Maine Title 30-A Section 4452, and other duties as may be deemed appropriate by the Port Director.

- Works with the Port Authority to ensure proper enforcement of its rules and regulations.

- Assigns mooring site, maintain chart assignments, and notify abandoned, and improperly or illegally placed.

- Removes mooring systems that have been neglected, abandoned, and improperly or illegally placed.

- Supervises activities and oversees docking at the inner basin, North and South ends of the breakwater and at the fish pier.

- Maintains waiting list for berthing and oversees allocation of available berthing and mooring sites.

- Determines whether potentially derelict or abandoned watercraft should be permitted to enter or rain in harbor.

- Performs routine checks of the inner basin and harbor area on a daily basis and on an as needed frequency during storm emergencies.

- Collects transient boat fees according to the ordinance.

- Reports monthly to the Harbor Committee and Eastport Port Authority.

- Maintains routine contact with the Port Director as to the status of operations at the breakwater and fish pier.

- Works with the collections to maximize the efficiency of the billing, budget, and legal actions necessary to operate the harbor.
Abilities and Skills

- Must have a thorough understanding of coastal issues such as boating, fishing, maintenance, tourism, and the overcrowding of facilities and waterways.

- Must have an ability to work productivity with people and treat them equitably.

- Must have the ability to be firm in the resolution of docking issues and collection of overdue revenues.

- Must have administrative skills in billing and collections, information analysis and report writing.

- Must have the ability to understand and implement local, State, and Federal rules, regulations, ordinances and statutes.

- Must be willing to work long and random hours from time to time and to be on call as necessary.

Minimum Preferred Qualifications

- High School Diploma pr equivalent

- Experience and/or education in waterfront management issues

- Harbor Master Certification

- Valid Maine State Drivers License

- Able to pass a Pre-employment physical

Harbor Master Salary

- $100 per week stipend - $5,200 Annually.

- All project work will be negotiated and contracted with the Harbor Master and Harbor Users on a competitive basis with consideration towards bidding out projects.

- 50% of transient fees during seasonal operations.
Assistant Harbor Master Duties

- The Assistant Harbor Master is an employee of the Eastport Port Authority, recommended by the Harbor Master Committee, approved and appointed by the City Council upon the recommendation of the Port Authority, supervised and reports directly to the Port Director.

- The Assistant Harbor Master performs the duties of the Harbor Master as designated by the Harbor Master or in the absence of the Harbor Master.

Assistant Harbor Master Salary

- $7.50 per hour for scheduled nominal work requirements.

- 50% of transient fees collected – when filling in for Harbor Master.
5.14 Historical Designated District (HDD) (an overlay zone)

The intent of the Local Historic District provisions is to preserve and protect important historic structures, sites, and landmarks in the City of Eastport. The Historic District functions as an "overlay zone" for certain residential and commercial areas of the City. That is, the Historic District requirements must be met in addition to the district restrictions of its basic zoning designation (R1, R2, B1, etc).

5.14.1 Boundaries

See "Appendix C" for the boundaries of any Local Historic District(s) as depicted on the official Historic District map and Historic District List.

5.14.2 Historic Review Board

5.14.2.1 Establishment of Historic Review Board

A Historic Review Board, hereinafter referred to as "the Board," is hereby established which shall consist of five members appointed by the City Council. Members of the Board shall be residents of the City of Eastport and should demonstrate an interest in the historical and architectural development of the City, and shall be appointed with due regard to the proper representation of such fields as history, architectural history, architecture, archaeology, law and building construction to the extent that such professionals are available in the community. Consideration shall be given to one member being a resident of a City-designated historic district. A municipal officer may not be a member of the Board.

5.14.2.2 Term of Office

The term of office shall be three years, except that the initial appointment shall be staggered so that subsequent appointments shall not recur at the same time. The City Council shall act within sixty days to fill a vacancy, including expired terms.

5.14.2.3 Officers

The members of the Board shall choose officers who shall serve one-year terms as chairperson, vice-chairperson, and secretary. The chairperson shall preside at all meetings of the Board. The vice chairperson shall perform the duties in the chairperson's absence. The secretary shall maintain a permanent record of all Board proceedings, any actions taken, and all correspondence of the Board. All records maintained or prepared by the secretary are deemed public information and shall be kept at City Hall where they may be inspected during regular business hours.

5-39
5.14.2.4 Authorization

The Board shall be authorized to review alterations, relocation’s, and demolition of designated historic properties under its jurisdiction. The Board shall review all new construction affecting historic properties and/or districts within its jurisdiction to determine if locally listed historic sites will be adversely affected.

5.14.2.5 Jurisdiction

The board's jurisdiction shall be limited to Historic Districts. When issuing Certificates of Appropriateness, the Board shall be concerned with those elements of development, redevelopment, rehabilitation, and/or historic preservation that affect the visual quality of the historic district. They shall not consider detail design of interior arrangements or building features not subject to public view nor shall they make any requirement except for the purpose of preventing development or demolition not consistent with the historic districts surroundings.

5.14.2.6 Legal and Professional Assistance

The Board, subject to the City Council's prior consent, shall have the right to retain and pay for the services and expenses of professional help required in carrying out the purposes of this ordinance, and may submit reports and recommendations as to such matters to the City Council. In making such investigations and studies, the Board may hold such public hearings as it may deem necessary or appropriate.

5.14.2.7 Meetings

All meetings of the Board must be publicly announced, open to the public, and have a previously posted agenda. Public notice must be provided prior to any special meetings.

5.14.3 Classification of Properties

Within a Historic District all buildings and structures shall be classified and designated as shown on the Historic Map and Local Historic District List. All buildings and structures shall be divided into two classes.

5.14.3.1 Historic Buildings and Structures

Those buildings classified as historic shall possess identified historic architectural merits of a degree warranting their preservation.
5.14.3.2 Contributing Buildings and Structures

Any buildings and structures not classified as historic shall be deemed contributing buildings and structures. This provision allows the presence within a local historic district of buildings and structures which are not themselves recognized as historically significant.

5.14.4 Establishment of Historic Districts

Upon a recommendation for establishment of a Local Historic District by the Review Board, and after Planning Board review, the City Council shall, within thirty days of the written recommendation, hold a public hearing preceded by sufficient written notice (certified mail) to the owners and occupants of the affected properties. After the hearing, the Council shall have thirty days to decide if they will adopt a resolution designating one or more historic buildings and/or structures by utilizing the following criteria.

5.14.4.1 historic architectural and cultural significance;

5.14.4.2 suitability for preservation or restoration;

5.14.4.3 educational value;

5.14.4.4 the criteria developed by the Department of Interior as guidelines for placement in the National Register of Historic Places (See “Appendix C”)

5.14.4.5 Upon adoption of the resolution, the owners and occupants of each designated historic landmark shall be given written notification. (certified mail) of such designation by the Council.

5.14.4.6 One copy of the resolution shall be filed by the Board in the Washington County Registry of Deeds.

5.14.4.7 Once a neighborhood, block, or portion of a block has been designated as a Local Historic District by City Council, all properties within that Historic District shall conform to the provisions of this section.

5.14.5 Permitted Structures and Uses

These shall be defined according to the basic Zoning District within which the particular parcel lies, but subject also to the provisions of this section.
5.14.6 Certificate of Appropriateness

In a Local Historic District, a Certificate of Appropriateness from the Board shall be required for any of the following:

5.14.6.1 Any demolition of an historic building or structure;

5.14.6.2 Any moving of an historic building or structure;

5.14.6.3 Any material change in the exterior appearance of existing historic buildings by additions, reconstruction, or alteration if subject to view from a public street.

5.14.6.4 Any new construction of a building or accessory structure subject view from a public street or public walkway.

5.14.6.5 Any change in existing walls and fences, or construction of new walls and fences, if along public streets, rights-of-way, or public walkways.

5.14.6.6 Any addition or removal or material alteration of any type of exterior advertising sign or notice.

5.14.6.7 Any material change in the exterior appearance of existing contributing buildings by addition, reconstruction, or alteration subject to view from a public street.

5.14.7 Development Standards

Any building or structure classified as historic (or any part thereof), including but not limited to walls, fences, light fixtures, steps, paving, and signs shall only be moved, reconstructed, altered, or maintained in a manner that will preserve its historic and architectural character

5.14.7.2 Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any landmark which does not involve a change in design, material, color, or outer appearance thereof.

5.14.7.2 Nothing in this ordinance shall prevent the construction, reconstruction, alteration, restoration, or demolition of any such feature which the City Council certify is required by the public safety because of an unsafe dangerous condition.
5.14.7.4 Rehabilitation and Construction Standards

In evaluating proposed new construction, alterations, or demolition within an Historic District, the Board shall use the following general standards:

5.14.7.4.1 Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or use of a property for its originally intended purpose.

5.14.7.4.2 The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided if possible.

5.14.7.4.3 All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

5.14.7.4.4 Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5.14.7.4.5 Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

5.14.7.4.6 Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event replacement is necessary, accurate duplications of features substantiated by historic, physical, or pictorial evidence should be considered. New materials should match material being replaced in composition, design, color, texture, and other visual qualities to the greatest extent possible.

5.14.7.4.7 The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall be undertaken with great care.

5.14.7.4.8 Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
5.14.7.4.9 Contemporary design for new construction, alterations, and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment. Refer to "Keeping up Appearances, Main Street Storefront Guidelines" in "Appendix C."

5.14.7.4.10 Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

5.14.7.4.11 The Board will review all new construction plans within historic districts in order to ensure visual compatibility with the surrounding buildings and environment in relation to height, gross volume, proportion, and setback.

5.14.7.4.12 All signs shall be in keeping with the character of the historic district or building.

5.14.7.5 Maintenance and Repair Required

Neither the owner of nor person in charge of a structure within an historic district, or of an historic structure or landmark shall permit such structure or landmark to fall into a state of disrepair which may result in the deterioration of any exterior appurtenances or architectural feature so as to produce or tend to produce, in the judgment of the Board, a detrimental effect upon the character of the historic district as a whole or the life and character of the historic landmark or structure in question, or which could lead to a claim that demolition is necessary for public safety, including but not limited to;

5.14.7.5.1 The deterioration of exterior walls or other vertical supports;

5.14.7.5.2 The deterioration of roofs or other horizontal members;

5.14.7.5.3 The deterioration of exterior chimneys;

5.14.7.5.4 The deterioration or crumbling of exterior mortar;

5.14.7.5.5 The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.

5.14.7.5.6 The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.
5.14.7.6 Removal or Demolition

5.14.7.6.1 Whenever a property owner shows that a building classified as historic is incapable of earning a fair economic return on its value, as appraised by a certified real estate appraiser, and the Review Board disapproves the issuance of a Certificate of Appropriateness permitting its demolition, such building may be demolished; provided, however, that before a demolition permit is issued, six months notice of proposed demolition shall be given. The owner shall be required to make every reasonable effort to sell the property during this period. Minimally, the owner shall put a sign on the building advertising its sale. A sales ad shall be placed in a newspaper of local circulation at least once a month for the six month period. If no purchase and sales agreement is made within the stipulated time period, the Board shall issue a Certificate of Appropriateness for demolition or removal. The Board may at any time during the stay of demolition approve a Certificate of Appropriateness in which event a demolition permit shall be issued without further delay.

5.14.7.6.2 The purpose of this section is to further the purposes of this ordinance by preserving historic buildings which are important to the education, culture, traditions, and the economic values of the City, interested persons, historic societies or organizations, the opportunity to acquire or to arrange for preservation of such buildings.

5.14.7.7 Negotiation to Avoid Demolition

5.14.7.7.1 During the above-mentioned six-month period, the Board may negotiate with the owner of the property and with any other parties in an effort to find a means of preserving the property. Such negotiations may include condemnation proceedings, recommendations of tax rebates for the property to appropriate agencies to encourage preservation, recommendation for an historic easement pursuant to the following paragraph of this ordinance, or inducements to interested third parties to purchase the property for the purpose of preserving it.

5.14.7.8 Site Maintenance

Vacant lots, demolition sites, and courtyards are to be maintained in order to promote the health, safety, and welfare of the public. Minimum standards for such maintenance are as follows;

5.14.7.8.1 Demolition Sites - In the event of demolition within a local historic district, all rubble will be removed from the site. Any salvageable materials will be removed to a separate storage site. Any excavations will be filled and the site will be graded.
5.14.7.8.2 Fencing - If fencing is required around any portion of a vacant lot or demolition site for the purpose of public safety, such fencing shall be constructed of painted plywood at least eight feet high or chain link fence with wind barrier strips.

5.14.7.8.3 Landscaping - Uncovered ground on vacant lots and courtyards should be planted with grass or other groundcover to prevent erosion.

5.14.7.8.4 General Maintenance - Vegetated areas should be mowed or otherwise maintained. Trash and debris should be picked up to maintain a neat, attended appearance.

5.14.8 Acquisition of Historic Easements

5.14.8.1 The City may acquire, by purchase, donation, or condemnation, historic easements in any area within its jurisdiction wherever and to the extent that the City Council, upon the recommendation of the Board, determines that the acquisition will be in the public interest. For the purpose of this section, the term "historic easement" means any easement, restriction, covenant, or condition running with the land, designated to preserve, maintain, or enhance all or part of the existing state of places of historic, archeological, architectural, or cultural significance.

5.14.9 Appeals

5.14.9.1 Any party adversely affected by a decision of the Historic Review Board, may within 30 days of the decision, file an appeal with the Eastport Zoning Board of Appeals. The applicant may appeal a decision of that board in accordance with "Rule 80-B of the Maine Rules of Civil Procedure."

5.14.10 Violations and Penalties

5.14.10.1 Refer to "Sections 7.10 and 7.11" of this ordinance.

5.14.11 Injunctions

5.14.11.1 Whenever any person has engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of this ordinance, the Board, with City Council approval, may make application to the Superior Court for an order enjoining such act or practice, or requiring such person to refrain from such prospective violation or to remedy such violation by restoring the affected property to its previous condition. Upon showing by the Board that such person has engaged or is about to engage in any such act or practice, a permanent or temporary injunction, restraining order or other appropriate order shall be granted without bond.
5.14.12 Suggested Performance Standards

See "Appendix C" for a list of all buildings within the Local Historic District and Historic District Map. The following recommended aids in interpreting and administering this ordinance are included as part of "Appendix C" and are available at City Hall.

5.14.12.1 "Keeping up Appearances, Storefront Guidelines; published by The National Trust for Historic Preservation."

5.14.12.2 "Department of the Interior Guidelines for Rehabilitating Historic Storefronts."

5.14.12.2 "Secretary of the Interior's Standards for Rehabilitation."
CITY OF EASTPORT
RECREATIONAL MARIJUANA ORDINANCE

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I. PURPOSE AND AUTHORITY

1. To regulate the location, licensing and operation of retail marijuana establishments authorized by Title 7 M.R.S.A. Chapter 417, Marijuana Legalization Act, within the City. The City also reserves the right for additional siting and licensing requirements pursuant to Municipal Home Rule Authority and Title 30-A M.R.S.A.§3001.

2. The licensing of retail marijuana social clubs in the City is prohibited.

3. Marijuana use, distribution, cultivation and production can have an impact on health, safety, and community resources, and this ordinance is intended to permit marijuana cultivation, distribution, production, and testing where it will have a minimal impact and potential negative impacts are minimized.

4. Use, distribution cultivation, production, possession, and transportation of marijuana remains illegal under federal law, and marijuana remains classified as a “Level 1 Controlled Substance” by federal law.

5. Nothing in this ordinance is intended to promote or condone the production, distribution, or possession of marijuana in violation of any applicable law.

6. The operation of a marijuana business without a license from the City as provided in this ordinance is prohibited within the City.

7. Retail marijuana social clubs are expressly prohibited in the City of Eastport.
II. DEFINITIONS

1. Retail Marijuana Establishment. For purposes of this ordinance, retail marijuana establishment, including retail marijuana store, retail marijuana cultivation facility and all other definitions relevant to this Ordinance are defined as set forth in Title 7, M.R.S.A. Section 2442 and as said section may be amended.

2. Drug Free Safe Zone. Means all public athletic fields, public parks, school grounds, playgrounds, recreational facilities and cemeteries under the jurisdiction of the City and others that are designated as "Drug Free Safe Zones" in accordance with Title 17-A, M.R.S.A. Section 1101(23).

3. License. Means a document issued by the City officially authorizing an applicant to operate a retail marijuana establishment.

4. Loiter. Means to stand or wait around idly or without apparent purpose.

5. Resident. Means an individual 21 years of age or older who has been domiciled in this state for a minimum of thirty (30) days and possesses or has made application for a motor vehicle operator's license or identification card issued by the State of Maine.


III. Building Permit Application and Regulations

1. Planning Board Review. Building permit applications for a retail marijuana establishment shall require review by the Eastport Planning Board and include a mandatory public hearing. Siting requirements shall also apply to any and all ancillary structures, mobile units, or any future types of dispensary
mechanisms as yet contemplated within this ordinance.

1. Commercial marijuana production or cultivation facilities shall be restricted to RR or Industrial Zones, as defined in the City of Eastport Zoning Ordinance, and shall not be located within 100 feet of a residential zoning district or within 500 feet of a residential use.

2. Retail, wholesale, and/or dispensaries shall be restricted to B1 or B2 Zones as defined in the City of Eastport Zoning Ordinance, and shall not be located within 100 feet of a residential zone, or within 500 feet of a residential use.

3. Retail Marijuana Establishments shall not operate as a home occupation.

4. No license for recreational marijuana establishment shall be issued located within 500 feet of any other marijuana business.

5. Distances shall be measured as a radius around the property lines of the applicant's property.

2. Certificate of Occupancy

No Certificate of Occupancy shall be granted for any retail marijuana establishment unless the structure providing the service is located in compliance with Subsection 1 above.

3. Municipal and State Codes.

No Certificate of Occupancy shall be granted for a retail marijuana establishment unless the premise concerned is in complete compliance with all Municipal and State Codes and Regulations.
4. Signage.

All signage shall meet the requirements of the Sign Ordinance and may not use any pictorial representations of any portion of a marijuana plant, products, by-products, or paraphernalia associated with the use or distribution of recreational retail marijuana.


Security requirements for retail marijuana establishment shall include:

1. Lockable doors and windows to include intrusion alarms with audible and police notification components sending notification directly to or through a second party to the Eastport Police Department or Washington County Regional Communications Center.

2. Video surveillance capable of covering the exterior of the facility, interior, and all plants cultivated within the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and such records of surveillance shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

3. Exterior spot lights with motion sensors covering the full perimeter of the facility.

6. No Sales except Directly to User; No Deliveries.

Except for sales to another licensed marijuana business, all sales of recreational marijuana shall be made in person in the restricted area of a recreational
marijuana establishment. All marijuana sales shall be made in person, directly to the purchaser. No marijuana sales shall be made via telephone, internet or other means of remote purchase. Deliveries of marijuana shall occur only in person to the purchaser at the time of purchase in the restricted area of a recreational marijuana establishment.


1. All retail marijuana establishments shall have an odor mitigation system installed that has been approved and stamped by a Maine licensed engineer indicating that the system will provide sufficient odor control measures to contain all odors associated with the marijuana is confined to the licensed premises to the extent practicable. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.

7. Permanent Location.

Each retail marijuana establishment shall be operated from a permanent location. No retail marijuana establishment shall be permitted to operate from a moveable, mobile or transitory location.

8. Landlord Duty.

It shall be unlawful for the owner of a building to lease space or allow the use of any portion of a building or property by a recreational marijuana establishment unless the tenant has a valid recreational marijuana...
business license or has applied for and not been denied a recreational marijuana business license or no marijuana is located on the premises until a license has been issued by the City. In the event the City has an articulable reason to believe that a recreational marijuana establishment is operating in a building, it shall be unlawful for the owner of the building or the tenant to refuse to allow the City access to the portion of the building in which the suspected recreational marijuana establishment is located to determine whether any marijuana is on the premises.

IV. LICENSE APPLICATION

A person seeking a license or renewal of a license issued pursuant to this Ordinance shall submit an application to the City Clerk on approved forms provided by the City.

A. The applicant shall present one (1) of the following forms of identification upon submission of an application to operate a retail marijuana establishment:

1. A valid State of Maine motor vehicle operator's license.


3. A United States Military Identification Card.

4. A valid passport or Nexus card.

B. The applicant shall provide the following information for all persons having a 10% financial interest or more in the retail marijuana establishment.

1. Name, address, date of birth.

2. Acknowledgment and consent that the City will conduct a background investigation, including a criminal history check.
3. Proof of lawful residence. Proof of lawful residence may be made by providing two of the following documents:

   i. A valid State of Maine motor vehicle operator's license.

   ii. A valid State of Maine motor vehicle registration certificate.

   iii. A valid State of Maine fishing or hunting license.

   iv. Voter registration.

   v. A current invoice from a utility company.

4. The name and complete physical address of the proposed retail marijuana establishment.

V. LICENSE REQUIREMENT

Any person operating a retail marijuana establishment within the City must obtain a license which shall be granted on the same criteria and regulations as set forth in Title 7 M.R.S.A. Chapter 417, including all regulations or amendments thereto.

Licensing for a retail marijuana establishment shall require review and approval by the Eastport City Council.

A. The City license shall be granted contingent upon the applicant obtaining any required State license.

B. License classification.
i. Retail marijuana cultivation facility.

ii. Retail marijuana store.

iii. Retail marijuana products manufacturing.

iv. Retail marijuana testing facility.

C. Licenses are valid for one (1) year.

D. License shall be kept current at all times.

E. Applicant must be at least twenty-one (21) years of age.

F. Applicant must be a resident of the State of Maine.

G. License shall be posted in a conspicuous location at a retail marijuana establishment.

H. Licenses are transferable as long as all state requirements are met.

I. Upon receipt of an application for a new license or renewal, the City shall schedule a public hearing on the application to be held not less than forty-five (45) days after receipt of the completed application.

J. Incomplete, false or misleading applications will not be processed.

VI. CONVERSION OF LICENSES TO DIFFERENT MARIJUANA BUSINESS

A license for a retail marijuana facility may not be converted to a license for a medical marijuana business. A license for a medical marijuana business that was licensed, open and operating on February 1, 2018, or that had submitted a complete application for a medical marijuana business on or before February 1, 2018, may be converted to the same type of recreational marijuana establishment by complying with the renewal requirements of this ordinance and paying the renewal application fee. Before the license for the retail marijuana establishment may issue, the medical
marijuana license must be surrendered to the City.

A licensee of a medical marijuana establishment may apply for a co-located marijuana business if allowed under state law. The application must include a modification of the existing medical marijuana establishment to conform with the requirements of this ordinance. Before the license for the co-located marijuana business may issue, the medical marijuana license must be surrendered to the City.

VII. LICENSE FEES

A. Initial license fee:

i. Retail marijuana store $500.00.

ii. Retail marijuana product manufacturing $500.00.

iii. Retail marijuana cultivation facility $500.00.

iv. Retail marijuana testing facility $500.00.

B. Renewal license fee:

i. Retail marijuana store $500.00.

ii. Retail marijuana manufacturing facility $500.00.

iii. Retail marijuana cultivation facility $500.00.

iv. Retail marijuana testing facility $500.00.

C. License fees are non-refundable and due upon receipt of the completed application.

VIII. SUSPENSION OR REVOCATION

A. The City Council may, after notice and public hearing, suspend, revoke or refuse to renew a license for a retail marijuana establishment for failing to
B. In suspending, revoking or refusing to renew a license for a retail marijuana establishment, the City Council may take into consideration:

1. Number and types of complaints law enforcement received and I investigated.

2. Failing to correct or abate any violation that the Code Enforcement Officer is authorized to enforce.

IX. REGULATIONS

A. A retail marijuana establishment may not employ a person who is convicted of any state or federal controlled substance law, or is under indictment or charged with any state or federal controlled substance law violation, while employed at the retail marijuana establishment. If a principal officer or board member is convicted of any state or federal controlled substance law while a principal officer or board member of a retail marijuana establishment that retail marijuana establishment shall immediately be considered in violation of this Ordinance.

B. Background History.

1. Retail marijuana establishment applicants, their employees and all persons having a 10% financial interest or more in the business shall provide to the City a copy of any criminal history documents held by the State of Maine as part of their application process for the licensing of a retail marijuana establishment.

2. The State of Maine as part of their application process for the
licensing of a retail marijuana establishment. In the event the retail marijuana establishment applicant is unable to produce a copy or copies of the criminal history documents held by the State of Maine, the applicant, their employees and all persons having a 10% financial interest or more in the business shall submit to a criminal history background investigation conducted by the Eastport Police Department. The fee for the criminal history investigation shall be one-hundred ($100) dollars per person.

C. No retail marijuana establishment shall operate a drive through, or drive up window.

D. Required Notices.

There shall be posted in a conspicuous location inside each retail marijuana store, at least one legible sign containing the following information:

1. Use of or allowing on-site consumption of marijuana is illegal.

2. Open and public consumption of marijuana in the State of Maine is illegal.

3. The use of marijuana or marijuana products may impair a person's ability to drive a car or operate machinery.

4. No one under the age of twenty-one (21) allowed.

5. Loitering Prohibited.

X. RIGHT OF ACCESS

Every retail marijuana establishment shall allow law enforcement officers
to enter the premises at reasonable times for the purpose of investigating compliance with this Ordinance and Title 7 M.S.R.A. Chapter 417.

XI. INDEMNIFICATION

A. By accepting a license issued pursuant to this Ordinance, the licensee waives and releases the City, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of any retail marijuana establishment owners, operators, employees, clients or customers for a violation of local, state or federal laws, rules or regulations.

B. By accepting a license issued pursuant to this Ordinance, all licensees, jointly and severally if more than one (1), agree to indemnify, defend and hold harmless the City, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of a licensed retail marijuana establishment.

XII. STATE LAW

In the event the State of Maine adopts any additional or stricter law or regulation governing the sale, distribution or testing of retail marijuana or retail marijuana products, the additional or stricter regulation shall control the establishment or operation of any retail marijuana store, retail marijuana products manufacturing
or retail marijuana testing facility in the City. Compliance with any applicable
state law or regulation shall be deemed an additional requirement for issuance or
denial of any license under this Ordinance, and noncompliance with any
applicable state law or regulation shall be grounds for revocation or suspension
of any license issued hereunder.

XIII. RETAIL SALES TAX OPTION

All retail marijuana establishments shall be subject to the maximum municipal
sales tax authorized by the State statute as it shall be enacted or amended.

XIV. AMENDMENTS

This Ordinance may be amended by the City Council after proper notice and
public hearing. Amendments shall take effect seven (7) days after approval by
the City Council and remain in effect until further amended or repealed.

XV. PENALTIES

This ordinance shall be enforced by the municipal officers or their designee.
Violations of this ordinance shall be subject to the enforcement and penalty
provisions of Title 30-A M.R.S.A Section 4452.

XVI. SEVERABILITY

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

XVII. EFFECTIVE DATE

For the purposes of licensing retail marijuana stores, retail marijuana testing
facilities, retail marijuana cultivation facilities and retail marijuana manufacturing
facilities, this Ordinance becomes effective February 1, 2018.

Adopted by the Eastport City Council on December 13, 2017.

Approved:

Gilbert Murphy
Mary Repple
Scott Emery

Hailley Bradbury

Shannon Emery

A True Copy Attest:

Elia C. Kowal, City Clerk
12/14/2017
City of Eastport
Parking Ordinance

Date Approved: 4 March 1991
Effective Date: 19 March 1991
Attest: Carolyn Camick, City Clerk

Revised
Date Approved: 12 October 2011
Effective Date: 27 October 2011
Attest: Ella Kowal, City Clerk
CITY OF EASTPORT
PARKING ORDINANCE

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EASTPORT PARKING ORDINANCE

BE IT ORDAINED THAT the following ordinance, to be known as the "EASTPORT PARKING ORDINANCE," is hereby adopted as amended 4 March, 1991, effective on 19 March 1991, as revised on 12 December, 2005, effective 1 January, 2006. It is further ordered that a news release dealing with changes, related to violations and penalties be published in at least once in a newspaper of general circulation in the City of Eastport.

ARTICLE I. STOPPING, STANDING, AND PARKING

Section 101. Stopping, Standing, or Parking Prohibited in Specified Places

No personal shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the law or the directions of a Police Officer or Traffic-Control device, in any of the following places:

101.01 On a sidewalk;
101.02 In front of a public or private driveway or alleyway;
101.03 Within an intersection;
101.04 Within five (5) feet of a fire hydrant;
101.05 On a crosswalk;
101.06 In a handicapped zone without legal handicapped identification;
101.07 Within ten (10) feet of the near corner of the curbs at an intersection;
101.08 Within fifteen (15) feet upon the approach to any stop sign located at the side of a roadway;
101.09 Within twenty (20) feet of the driveway entrance to any fire station and on side of a street opposite the entrance to any fire station within seventy-five (75) of said entrance (when properly sign posted);
101.10 Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
101.11 On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
101.12 No parking area's
101.13 **Unlawful Parking** – No personal shall park a vehicle upon any roadway for the principle purposes of advertising, displaying such vehicle for sale, washing or repairing such a vehicle except when repairs are necessitated by an emergency;

101.14 At any place where official signs or curb painting so prohibit. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful;

**Section 102. Parking Prohibited At All Times on Certain Streets**

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets or parts of streets described in Schedule I attached to and made a part of this Ordinance.

**Section 103. Parking Time Limited on Certain Streets**

When signs are erected in each block giving notice thereof, no person shall park a vehicle longer than one hour between the hours of 8:00 a.m. and 6:00 p.m. Mondays through Fridays, or between the hours of 8:00 a.m. and 10:00 p.m. Saturdays, Public Holidays excepted, upon any of the streets or parts of streets described in Schedule II attached hereto and made a part of this Ordinance.

**Section 104. Hazardous or Congested Places**

104.01 The Police Chief with the approval of the City Manager 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 created [sic] an especially hazardous condition or would cause unusual delay to traffic.

104.02 When Official signs are erected at hazardous or congested places as authorized herein, no person shall stop or park a vehicle in any such designated place.
Section 105. Parking Not To Obstruct Traffic

No person shall stop, stand, park, or leave his/her vehicle on any street in such a manner or under such conditions so as to obstruct the free passage of other vehicles in either direction unless specifically permitted by a police officer, or as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.

Section 106. Parking in Alleys

No person shall park a vehicle within an alley in such a manner or under any conditions as to leave available less than ten (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 position as to block the driveway entrance to any abutting property.

Section 107. Standing or Parking Close to Curb

No person shall stand or park a vehicle on any street in a business district other than parallel with the edge of the roadway headed in the direction of the lawful traffic movement and with the right hand wheels of the vehicle within 12 inches of the curb or edge of the roadway, except as follows:

107.01 Angle Parking – Upon such streets or parts thereof which have been officially signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of roadway indicated by such signs or markings.

107.2 Backing to Curb – When specifically authorized by a Police Officer, any person may back a vehicle to the curb for the purpose of loading or unloading merchandise or materials for a period not in excess of 30 minutes. No person shall so back a vehicle to a curb unless specifically so authorized by a Police Officer and no person shall in any event back a vehicle on to any curb or sidewalk in this City.

107.3 Taxi Stands – If required, will be assigned by the City Council.
Section 108. Places of Assemblage
The Police Chief is authorized to place temporary or permanent traffic-control signs in front of the entrance to places of assemblage or any building in which entertainments, plays, shows, exhibitions, and the like are given, either regularly or otherwise and for such period as the Police Chief in his discretion may deem wise under the circumstances.

Section 109. Large Vehicles
No owner, driver, or person in charge of any vehicle which has a carrying capacity of more than three thousand pounds, or which including load is more than thirteen (13) feet in length, or which including load is more than eight (8) feet in width, or which including load is more than twelve (12) feet six inches in height, shall permit the same to stand upon any public street in the City for a longer period than one (1) hour at any one (1) time.

Section 110. Owners Liability
Whenever any police officer shall find any vehicle which has been illegally parked and such police officer is unable to determine the person who is responsible for such parking, the owner of the vehicle shall, upon request of the Police Department, furnish to it the name of the driver of the vehicle responsible for such illegal parking. Failure upon the part of any to do so shall make him liable to the general penalty under this ordinance.

Section 111. Schools
The Police Chief is hereby authorized to cause temporary or permanent signs to be erected, indicating no parking adjacent to any school property, when such parking would, in his opinion, interfere or create a hazardous situation. When official signs are erected indicating no parking adjacent to any school property, no person shall park a vehicle in any such designated place.
Section 112.  Snow Removal

No vehicle shall be parking at any time on any public streets or way so as to interfere with or hinder the removal of snow from said street or way by the City plowing or loading and hauling. The Chief of Police may cause any vehicle so parking on any street to be removed and placed in a suitable parking space off the street, at the expense of the owner of such vehicle, and without the City being liable for any damage that may be cause by such removal. For the purpose of facilitating the removal of snow, the City Manager or Police Chief may cause to be placed properly marked signs along any street or streets as he shall from time to time deem necessary. It shall be unlawful for the operator of any vehicle to enter upon, stop or park within the spaces indicated by such signs.

ARTICLE II.  PENALTIES

Section 201.  Violations

Any person violating any provisions of this Ordinance shall, upon conviction, be punished by payment of a fine not to exceed One Hundred Dollars, which fine shall be recovered for the use of the City of Eastport.

Section 202.  Alternative Penalty

Any person charged with a violation of any provision of this Ordinance may elect to pay an administrative penalty in lieu of the fine herein before provided. Such person, may upon receipt of a traffic ticket or citation, pay a sum at the Office of the City Treasurer (or at such other places as the City Council may designate) according to the following schedule:

202.1 – Initial Penalty

<p>| 202.02.01 Parking on a Sidewalk       | $25.00 |
| (Amended 10/12/2011)                 | $50.00 |</p>
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Fine Amount</th>
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<tbody>
<tr>
<td>202.02.02</td>
<td>Blocking a Public or Private Driveway</td>
<td>$25.00</td>
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<tr>
<td></td>
<td>(Amended 10/12/2011)</td>
<td>$50.00</td>
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<tr>
<td>202.02.03</td>
<td>Within an Intersection</td>
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<td></td>
<td>(Amended 10/12/2011)</td>
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<tr>
<td>202.02.04</td>
<td>Within Five Feet of a Fire Hydrant</td>
<td>$25.00</td>
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<td></td>
<td>(Amended 10/12/2011)</td>
<td>$75.00</td>
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<tr>
<td>202.02.05</td>
<td>Within a Crosswalk</td>
<td>$25.00</td>
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<td></td>
<td>(Amended 10/12/2011)</td>
<td>$50.00</td>
</tr>
<tr>
<td>202.02.06</td>
<td>In a Handicapped Zone without Handicapped Identification</td>
<td>$50.00</td>
</tr>
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<td></td>
<td>(Amended 10/12/2011)</td>
<td>$100.00</td>
</tr>
<tr>
<td>202.02.07</td>
<td>Within 10 feet of the corner or curb of an Intersection</td>
<td>$25.00</td>
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<td></td>
<td>(Amended 10/12/2011)</td>
<td>$50.00</td>
</tr>
<tr>
<td>202.02.08</td>
<td>Within 15 of the approach to any Stop Sign</td>
<td>$25.00</td>
</tr>
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<td></td>
<td>(Amended 10/12/2011)</td>
<td>$50.00</td>
</tr>
<tr>
<td>202.02.09</td>
<td>Within 20 feet of the entrance of any Fire Station</td>
<td>$50.00</td>
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<td></td>
<td>(Amended 10/12/2011)</td>
<td>$100.00</td>
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<tr>
<td>202.02.10</td>
<td>Alongside or opposite Road Construction</td>
<td>$25.00</td>
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<tr>
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<td>(Amended 10/12/2011)</td>
<td>$50.00</td>
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<tr>
<td>202.02.11</td>
<td>On roadway side of any vehicle stopped or parked at the edge or curb of a street</td>
<td>$25.00</td>
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<td></td>
<td>(Amended 10/12/2011)</td>
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<tr>
<td>202.02.12</td>
<td>No Parking Zones and Areas</td>
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<td>(Amended 10/12/2011)</td>
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<td>Unlawful Parking</td>
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<td>Where signs, curb painting so prohibit</td>
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<tr>
<td>202.02.15</td>
<td><em>Parked in a No All Night Parking Zone</em></td>
<td>$50.00</td>
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<td></td>
<td>(Added 10/12/2011)</td>
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<tr>
<td>202.02.16</td>
<td><em>Parked Overtime</em></td>
<td>$50.00</td>
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<td></td>
<td>(Added 10/12/2011)</td>
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</tbody>
</table>
202.02 Late Penalty
Provided that if said sum is not paid within fourteen (14) days of the date of the ticket or citation penalties will be doubled.

202.03 Failure to Pay – Legal Action
If not paid within twenty-one (21) days of the ticket or citation, this alternative method shall not be made available and normal court procedure will then be followed. Receipts shall be given for all payments made under this alternative method.

Section 203. Tow Away of Vehicles
The Eastport Police Department is authorized to have removed and towed away any vehicle or trailer;

203.1 improperly parked in such a manner as to cause a traffic hazard or,
203.2 blocking a fire hydrant or,
203.3 obstructing the movement of emergency vehicles or,
203.4 blocking a private driveway or alley or,
203.5 parked on any street during the hours when parking is prohibited by any provisions of this Ordinance.

The owner of any vehicle so towed away shall be liable for a reasonable towing charge and storage fee. Such vehicles need not be stored inside a garage or other building and shall not be restored to the owner until payment of the towing and storage charges.
Section 204. Jurisdiction

The Maine District Court shall have jurisdiction over all violations of this Ordinance and Maine Law shall govern procedure for traffic infractions.

Section 205. Application

This Ordinance applies to all public streets in the City of Eastport, including Quoddy Village, the Breakwater Pier, and the Fish Pier. Exceptions to the provisions of this Ordinance may be made on the Breakwater Pier and the Fish Pier only.

ARTICLE III. OVERNIGHT WINTER PARKING BAN

Section 301. Snow Removal
"No vehicle shall be parking at any time on any public streets or ways so as to interfere with or hinder the removal of snow from said street or way by the City plowing, loading, or hauling. The Chief of Police may cause any vehicle so parking on any street to be removed and placed in a suitable parking space off the street, at the expense of the owner of such vehicle. And without the City being liable for any damage that may be caused by such removal."

Section 302. Penalty

"Any person violating any provision of the Ordinance shall, upon conviction, be punished by payment of a fine not to exceed $100.00, which fine shall be recovered for the use of the City of Eastport."

Section 303. Length of Parking Ban

"This ban will begin on November 15th of each year and run through April 15th of the following year."

The Eastport City Council held a Public Hearing on Wednesday, October 12th, 2011 at 6:00 p.m. at Shad High School. The purpose of the hearing was to receive public input on a Parking Ordinance Amendment recommended by Eastport City Manager, Jon Southern.

The Eastport City Council accepted and approved the proposed amendment as submitted on October 12th, 2011 to read as follows:

### Under Article II Section 202.01

<table>
<thead>
<tr>
<th>Section</th>
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<td>Parked overtime</td>
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<td>Hindering snow removal</td>
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<tr>
<td>202.02.18</td>
<td>Double parked</td>
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<tr>
<td>202.02.19</td>
<td>Disobey official sign</td>
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</tr>
<tr>
<td>202.02.20</td>
<td>Other</td>
<td>$50.00</td>
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</tbody>
</table>

The full text of the Parking Ordinance is on file at City Hall and is available for public review Monday to Thursday from 8:00 a.m. to 4:00 p.m. and Friday from 8:00 a.m. to 12:30 p.m.
Sale of City Property Ordinance

If the Eastport City Council decides it wishes to sell or transfer any City-owned property, the Council must provide notification to the public of the potential sale or transfer. The Council must **EITHER** advertise for sealed bids on the property in an area newspaper of general circulation before any sale or transfer may occur, with the option to advertise in other publications OR THE CITY COUNCIL MAY LIST THE PROPERTY WITH A REAL ESTATE BROKER OR BROKERAGE FIRM. IF THE COUNCIL DECIDES TO LIST THE PROPERTY WITH A BROKER, THEN PUBLIC NOTIFICATION MUST BE PROVIDED THROUGH ADVERTISEMENT OF THE LISTING IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AREA. **ANY SALE OR TRANSFER OF CITY PROPERTY MUST BE PRECEDED BY A PUBLIC HEARING BEFORE AN OFFER IS ACCEPTED BY THE CITY COUNCIL.** The City Council reserves the right to accept or reject any or all bids on the property. In accepting a bid, the City Council may require a performance bond from the purchaser or transferee.

The Council must provide sufficient public notification of any proposed change in the status of City-owned property, to include but not be limited to the conveyance of easements or zoning changes.

The Council shall maintain a current inventory of City-owned property, along with a plan, if any, for use. In developing a plan for use, the Council should consider issues of public access, effect on tax base and how property could be used for economic development.
Order of the Municipal Officers

re Application of Sewer Payments

The Municipal Officers of the Department hereby require and direct, pursuant to 30-A M.R.S.A. § 3406 and their authority to establish sewer charges, that any sewer payment received for any particular property be applied against outstanding or delinquent sewer charges due on that property in chronological order beginning with the oldest unpaid sewer bill. This Order is effective immediately upon execution by the Municipal Officers and shall remain in effect until rescinded by them.

Dated: 9-11-2013

Municipal Officers

[Signatures]

Attest: Mama C. Kowal
City Clerk
9-11-2013
EASTPORT SEWER ORDINANCE
REGULATION OF SEWER USE
FOR THE
CITY OF EASTPORT

Reviewed by:
Francis A Brown, Atty.
City Attorney
57 North Street
Calais, Maine 04619

Prepared by:
Wright-Pierce
Engineers
88 Main Street
Topsham, Maine

October 1989

Enacted by Eastport City Council: ________________________________

Effective Date: ________________________________
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<tr>
<th>SECTION</th>
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<td>BUILDING SEWERS, CONNECTIONS, AND FEES</td>
<td>8</td>
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<td>5</td>
<td>USE OF THE PUBLIC SEWERS</td>
<td>11</td>
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<tr>
<td>6</td>
<td>SEWER EXTENSIONS</td>
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<td>POWERS AND AUTHORITY OF INSPECTORS</td>
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<td>9</td>
<td>PENALTIES</td>
<td>20</td>
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<td>10</td>
<td>SEWER SERVICE CHARGES</td>
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<td>11</td>
<td>VALIDITY</td>
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<td>12</td>
<td>RULES AND REGULATIONS IN FORCE</td>
<td>23</td>
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<tr>
<td></td>
<td>AMENDMENTS</td>
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</table>
REGULATIONS OF SEWER USE
CITY OF EASTPORT, MAINE

RULES AND REGULATIONS PERTAINING TO THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, INSTALLATION AND CONNECTION OF BUILDING SEWERS AND THE DISCHARGE OF WATER AND WASTES INTO THE PUBLIC SEWER SYSTEMS; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: CITY OF EASTPORT, MAINE.

Be it ordained by the City Council of the City of Eastport as follows:

SECTION 1
DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in these rules and regulations shall be as follows:

1.1 "ASCE" shall mean American Society of Civil Engineers.

1.2 "ASTM" shall mean American Society for Testing and Materials.

1.3 "Benefited User" shall mean all owners of real estate, abutting on or accessible to sewers or drains of the City, whether or not such real estate is improved, and whether or not such real estate is actually connected to the City's sewer or drain system. Benefited users shall include, but not be limited to, vacant lots abutting public ways or easements containing sewers or structures within 200 feet of said public ways or easements.

1.4 "Biochemical Oxygen Demand (BOD₅)" shall mean the quality of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.

1.5 "Building" shall mean a structure built, erected, and framed of component structural parts designed for the housing, shelter, enclosure or support of persons, animals or property of any kind.

1.6 "Building Contractors" shall mean any person, persons or corporation who undertakes to construct, either under contract or for resale, any habitable building.

1.7 "Building Drain" shall mean the part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys the inner face of the building wall.
1.8 "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal, also called house connection.

1.9 "Cellar Drain" shall mean a drain from a cellar, which allows water, including cellar sepage water, to be admitted.

1.10 "City" shall mean the City of Eastport.

1.11 "City Council" shall mean the duly elected City Council of the City of Eastport, or their authorized representative.

1.12 "Combined Sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.

1.13 "Contractor" shall mean any person, firm or corporation approved by the City to do work within the jurisdiction of the City of Eastport.

1.14 "Degrees C" shall mean degrees Celsius.

1.15 "Degrees F" shall mean degrees Fahrenheit.

1.16 "Developer" shall mean any person, persons or corporation who undertakes to construct simultaneously more than one housing unit on a given tract or land subdivision.

1.17 "Easement" shall mean an acquired legal right for the specific use of land owned by others.

1.18 "Engineer" shall mean the Professional Engineer retained by the City. In the event the City has not retained an Engineer, the term "Engineer" as used herein will be construed to mean the City Council of the City of Eastport.

1.19 "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage. An industry is considered to be a major contributing industry when it: (1) has a flow of 15,000 gallons or more per average work day; (2) has a flow greater than 5% of the established total sanitary flow carried by the public sewers; (3) discharges wastes exceeding typical domestic waste strengths of 340 mg/l BODs or 400 mg total suspended solids; (4) has in its wastes a toxic or incompatible pollutant as defined by Federal or State laws or regulations; or (5) has a significant impact, either singly or in combination with other contributing industries, to the public sewers, treatment plant or in the quality of effluent or sludge from the treatment works.
1.20 "Infiltration" shall mean water entering the sewer system from the ground through such means as defective pipes, pipe joints, connections or manhole covers.

1.21 "Inflow" shall mean water entering the sewer system from such sources as roof leaders, cellar drains, sump pumps, yard drains, foundation drains, manhole covers, cross connections from storm sewers and combined sewers, catch basins, surface runoff and other drainage.

1.22 "Kg" shall mean kilograms.

1.23 "l" shall mean liters.

1.24 "Living Unit" means one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

1.25 "Maine DEP" shall mean Maine Department of Environmental Protection.

1.26 "mg" shall mean milligrams.

1.27 "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

1.28 "Owner" shall mean any individual, firm, company, association, society, person, municipal or quasi-municipal agency, state agency, federal agency or other legal entity having title to real estate or to whom taxes are assessed.

1.29 "Person" shall mean any individual, firm, company, association, society, corporation, group trust, municipality or governmental authority.

1.30 "pH" shall mean the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

1.31 "Plumber Inspector" shall mean an individual as appointed by the City Council who is responsible to perform duties as outlined in Title 30, Section 3222 of the Maine Revised Statutes.

1.32 "Pollutant" shall 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; industrial, municipal, domestic, commercial or agricultural wastes of any kind.
1.33 “Properly Shredded Garbage” shall mean the wastes from the handling, 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 particles greater than one-half (1/2) inch in any dimension.

1.34 “Property Line” shall mean the established right-of-way limits of any public or private road or street, or the common ownership dividing line between two abutting properties, if the building sewer is to connect with the public street. “Property Line” shall mean the edge of a sewer easement in those instances where the building sewer connects to the public in an easement.

1.35 “Public Sewer” shall mean a sanitary sewer owned, operated and maintained by the City.

1.36 “Real Estate” shall be defined in the Revised Statutes of 1964, Title 36, Section 551.

1.37 “Receiving Waters” shall mean any water course, river, pond, ditch, lake, aquifer or other body of water receiving discharge of waste-water.

1.38 “Sanitary Sewer” shall mean a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

1.39 “Seasonal Residences” shall mean residences on other than plowed public ways that are inhabited for less than three (3) months.

1.40 “Seepage” shall mean waste, refuse, effluent, sludge and any other materials from septic tanks or other similar facilities.

1.41 “Sewage Treatment Plant” shall mean any arrangement of devices and structures used for treating sewage.

1.42 “Sewer” shall mean a pipe or conduit that carries wastewater or drainage water.

1.43 “Shall” is mandatory. “May” is permissive.

1.44 “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 flow during normal operation.
1.45 "Storm Sewer" shall mean a sewer for conveying water, ground water, surface water or unpolluted water from any source.

1.46 "Superintendent" shall mean the individual retained or designated by the City of Eastport to supervise and oversee the operation and maintenance of the wastewater collection and treatment facilities or his authorized deputy, agent or representative.

1.47 "Suspended Solids" (SS) shall mean total suspended matter that either floats on the surface of, or is in suspension in, wastewater or other liquids and that is removable by laboratory filtering and deferred to as non-filterable residue.

1.48 "Unpolluted Water" is water of quality equal to or better that the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefit by discharge to the sanitary sewers and wastewater treatment facilities provided.

1.49 "User" shall mean an owner of real estate, which is connected to the City’s sewer or drain systems.

1.50 "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present. Also termed "sewage".

1.51 "Water Course" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

1.52 "W. P. C. F." shall mean Water Pollution Control Federation.
SECTION 2

USE OF PUBLIC SEWERS REQUIRED

2.1 It shall be unlawful for any person to place, deposit or permit to be placed or deposited in any unsanitary manner on public or private property within the City of Eastport or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable waste.

2.2 It shall be unlawful to discharge to any mutual outlet within the City of Eastport, or in any area under the jurisdiction of said City, any wastewater or other polluted waters. Except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance and the requirements of the State of Maine.

2.3 Except as here-in-after 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 wastewater.

2.4 The Owner(s) of all buildings, or other properties which can be used for human occupancy, employment, recreation or other purposes; abutting on any street, alley or right-of-way in which there is now located or may in the future be located, a public sanitary sewer or combined sewer of the City of Eastport. It is hereby required, at the expense of the Owner(s), to connect such facilities directly with the proper public sewer in accordance with the provisions of these rules and regulations, within 60 days after the date of official notice to do so, provided that the edge of public way or easement of said public sewer is within 200 feet of the structure to be served.

2.5 Nothing in these rules and regulations shall require that Owner of any building to acquire any real property or easement therein, for the sole purpose of connecting to the sewer. If an easement is required for the Owner(s) of any building to connect to the sewer, said easement may be obtained by the City, at its option.
SECTION 3
PRIVATE WASTEWATER DISPOSAL

3.1 Where a public sanitary sewer is not available under the provisions of Section 2, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article and the "State of Maine Subsurface Wastewater Disposal Rules", Chapter 241".

3.2 Before commencement of construction of a private wastewater 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, and shall include other information as is deemed necessary by the plumbing inspector. A permit and inspection fee, as specified in the Plumbing Rules, shall be paid to the plumbing inspector at the time the application is filed. A copy of the permit shall be filed with the City Of Eastport by the plumbing inspector.

3.3 The type, capacities, location and layout of a private wastewater disposal system shall comply with the “State of Maine Subsurface Wastewater Disposal Rules, Chapter 241" and the Minimum Lot Size Law (Maine Revised Statutes Annotated, Title 12 Chapter 423-A). No private, natural outlet disposal system shall be permitted to discharge to any natural outlet without a DEP Wastewater Discharge License.

3.4 At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in article 2.1, a direct connection from the building sewer (downstream from the septic tank in Quoddy Village) to the public sewer shall be made within 60 days. In Quoddy Village only, if no septic tank exists, the Owner(s) shall construct a septic tank of a size and of material approved by the City, and the building sewer and septic tank shall be connected to the public sewer.

3.5 No person shall dispose of sepage on land within the jurisdiction of the City of Eastport, or cause sepage to be so disposed, except for at sites designated by the City and approved by the governing state agency.

3.6 Sepage shall be taken to the sepage disposal sites by appointment only. Only pumpers licensed by the State of Maine DEP will be allowed to dump at the disposal sites.
SECTION 4

BUILDING SEWERS, CONNECTIONS, AND FEES

4.1 No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written approval from the City. Any person proposing a new discharge into the system, or a substantial change in the volume or character of pollutants that are being discharged into the system, shall notify the City at least forty-five (45) days prior to the proposed change or connection, and shall comply with Maine Revised Statutes Annotated, Title 38, Chapter 3, Subchapter I §361.

4.2 In Quoddy Village only, all connections to an existing public sewer shall include a septic tank. The septic tank and all piping between the septic tank and the existing public sewer shall become the property of the City upon approval by the City Council and receipt of an easement which allows access of city personnel to said septic tank and piping.

***See amendment 06/02/1992***

4.3 All costs and expenses incidental to the installation and connection of the building sewer [and septic tank], from the building to the edge of public way or easement containing a main sewer, shall be borne by the Owner(s). The Owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer [or the septic tank].

4.4 A separate and independent building sewer shall be provided for every residential building and appurtenant structures.

4.5 Existing building sewers may be used only when they are found, by the City, to meet all requirements of these rules and regulations. When existing buildings, which are connected to the public sewer are abandoned or destroyed, the building sewer shall be capped at the edge of public way or easement containing the public sewer in the presence of a representative of the City.

4.6 The building sewer shall be service weight cast iron soil pipe and fittings; cast iron NO-HUB, bitumastic coated; PVC sewer pipe meeting the requirements of ASTM D 3034 SDR 35 or other material approved by the City.
4.7 The size and slope of the building sewer shall be subject to the approval of the City, but in no event shall the diameter be less than four (4) inches, nor shall the slope of the pipe be less than one-eighth (1/8) inch per foot.

4.8 For Quoddy Village residents, the size and material of construction of the septic tank shall be subject to approval of the City.

4.9 Whenever possible, the building sewer shall be brought to the building at an elevation sufficient to afford protection from frost, but in no event shall be less than three (3) feet. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. The ends of building sewers which are not connected to the building drain of the structure for any reason, shall be sealed against infiltration by a suitable stopper, plug or other approved means.

4.10 In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage or industrial wastes carried by such drain shall be lifted by approved mechanical means and discharged to the building sewer at the expense of the building Owner(s).

4.11 No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, cellar drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer, unless such connection is approved by the City for purposes of disposal of polluted drainage water.

4.12 All joints and connections shall be made gastight and watertight. Joints for cast iron hub and spigot pipe shall be lead; joints for NO-HUB pipe shall be made with a neoprene gasket and a stainless steel clamp and shield assembly; joints for PVC pipe shall be "O'ring type. No mortar joints will be allowed.

4.13 The connection of the building sewer [and septic tank] into and existing public sewer shall be made by the Owner at the Owner's expense. The cost of maintenance of the building sewer from the building drain to the septic tank in Quoddy Village and from the building drain to the edge of the public way or easement containing a main sewer in Eastport will be by the building Owner.

4.14 The connection of the building sewer into the public sewer shall conform to the requirements of Section 6 of these Rules and Regulations, and the procedures set forth in 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 City before installations.
4.15 The Residential or Commercial Building Sewer Application is found in Appendix I and the Industrial Sewer Connection Application in Appendix II of these regulations. The applicant for the building sewer approval shall notify the City when the building sewer [and septic tank] are ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City Plumbing Inspector.

When trenches are opened for the laying of building sewer pipes and/or septic tanks, such trenches shall be inspected by the City before the trenches are filled; and the person performing such work shall notify the City when the installation of the building sewer is completed. The filling of a trench before inspection is made will subject person to whom the approval is issued to a penalty of $50.00 per day for each offense, and the person performing the work shall open the trench for inspection by the City at no cost to the City.

4.16 All excavations for building sewer and septic tank installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Street, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city of Eastport or the Maine Department of Transportation.

4.17 The City will consider any special situations. The Owner(s) shall request a review of any special situations with support material as may be requested by the City, in writing, to the City. The City’s approval or disapproval shall be in writing.
SECTION 5
USE OF THE PUBLIC SEWERS

5.1 No person shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

5.2 Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, combined sewers or watercourse approved by the City or governing agency. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the City and applicable federal and state regulatory agencies, to a storm sewer or natural outlet and the discharge shall comply with MRSAA, Title 38, Chapter 3, §413.

5.3 No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas which will cause a fire or explosive hazard in the wastewater facilities.

(b) Any water or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant. Toxic pollutants shall include, but not be limited to, pollutants identified pursuant to Section 307(a) of the Clean Water Act.

(c) Any water or wastes having a pH lower than 6.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the sewage works.

(d) Solid or vicious substances in quantities or of such size 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, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, manure, hair, and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders; except home garbage disposal units, are acceptable.
5.4 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 City, 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 their opinion as to the acceptability of these wastes, the City 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) Any liquid or vapor having a temperature higher than 150°F (65°C), or which in combination with other wastes entering the plant will result in an influent temperature exceeding 104°F (40°C).

(b) Any 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 32°F and 150°F (0 and 65°C).

(c) Any garbage that has not been properly shredded.

(d) Any waters or wastes containing strong acid, iron pickling wastes or concentrated plating solutions whether neutralized or not.

(e) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances in such quantities or concentrations that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the City for such materials.

(f) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations as to exceed limits which may be established by the City so that after treatment of the composite sewage, the discharge meets the requirements of the State, Federal or other public agencies of jurisdiction.

(g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Trustees in compliance with applicable State or Federal regulations.

(h) Any waters or wastes having pH lower than 6.0 or higher than 8.5.
(i) Material which exert or cause:

(1) Unusual concentrations of inert suspended solids such as, but not limited to, 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$_5$, chemical oxygen demand, or other requirements in such quantities 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) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent, residue or sludges cannot meet the requirements of other agencies.

5.5 If and 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 Article 5.3 and 5.4 of this Section, and which, in the judgement of the City, 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 City may:

(a) Reject the wastes,

(b) Require pretreatment to an acceptable condition for discharge to the public sewers,

(c) Require control over the quantities and rates of discharge, and/or,

(d) Require payment to cover the added costs of handling and treating the wastes, provided that the discharge of such wastes does not exceed any requirements of Federal and/or State laws.

When considering the above alternatives, the City shall give consideration to the economic impact of each alternative on the discharger.
If the City 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 City subject to the requirements of all applicable codes, ordinances, laws and discharge permit.

5.6 Grease, oil, and sand interceptors shall be provided when, in the opinion of the City, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living units. All interceptors shall be a type and capacity as outlined in the “State of Maine Internal Plumbing Rules, Chapter 238” and approved by the City, and shall be located as to be readily and easily accessible for cleaning and inspection. Grease interceptors shall be installed in the waste lines leading from sinks, drains and other fixtures of equipment in the following establishments: restaurants, school kitchens, hotels, motels, hospitals, nursing homes, bars and clubs, or other establishments where grease may be introduced into the sewer in quantities that can effect line stoppage or hinder sewage treatment. In the maintenance of these interceptors, the Owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the City. Licensed waste disposal firms must perform any removal and hauling of the collected materials not performed by the Owner’s personnel.

5.7 Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operations at the Owner’s expense.

5.8 The Owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances on the building sewer, to facilitate observation, sampling and measurement of the wastes. Such manhole shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The manhole shall be installed by the Owner(s) at his expense and shall be maintained by him so as to be safe and accessible to the City at all times.

(a) All industries discharging into a public sewer shall perform such monitoring of their discharges as the City may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the City. The City shall make such records available upon request to other agencies having jurisdiction over discharges to the receiving waters.
5.9 The City may require a user of sewer services to provide information needed to determine compliance with these rules and regulations. These requirements may include:

(a) Average and peak rate of wastewater discharge and volume over a specified time period.

(b) Chemical analyses of wastewaters.

(c) Information on raw materials, processes and products affecting wastewater volume and quality.

(d) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.

(e) A plot plan of the user’s property showing sewer and pretreatment facility locations.

(f) Details of wastewater pretreatment facilities.

(g) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

5.10 All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in these rules and regulations shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewaters”, 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, 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. Sampling and testing shall be undertaken by the Owner(s) at his expense, as directed by the City.

5.11 No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, as detailed in Section 10, by the industrial concern, provided that such agreement do not contravene any requirements of existing Federal or State laws and/or regulations promulgated thereunder, and are compatible with any User Charge effect.
SECTION 6
SEWER EXTENSIONS

6.1 All extensions to the sanitary sewer system shall be properly designed in accordance with ASCE Manuals and Report on Engineering Practice – No. 37 (W.P.C.F. Manual of Practice No. 9). Sewer extensions must be approved by the Maine DEP prior to construction. Plans and specifications for sewer extensions shall be submitted to and approval obtained from the City before construction may proceed. The design of sewers must anticipate and allow for flows from all possible future extensions or developments within the immediate drainage area.

6.2 The City under public contract may construct sewer extensions, including individual building sewers from the sewer to the property line. Property Owners may propose sewer extensions within the City boundaries by drafting a written petition, signed by a majority of the benefiting Property Owners, and filing it with the City. The City Council may propose sewer extensions by a majority vote. Before acting on any sewer extensions, the City shall hold a public meeting, notice of which shall be posted at the City Hall seven days prior to the date of the hearing. At least seven days prior to any action on any sewer extension, notice of action will be filed with the Planning Board and placed in a newspaper of general circulation in the City. The cost of constructing sewer extensions shall be assessed in the following manner:

(a) Request for sewer extensions will be handled on an individual basis until such time as the City adopts a specific extension policy. In any case, the objective in reviewing an extension request will be that the extension in basically self-supporting unless portions of the investment are logically applicable to future demands of the service area over and above those of the applicant.

(b) Property Owners shall pay the cost of the building sewer as per Sections 4.

6.3 If the City does not elect to construct a sewer extension under public contract, the Property Owner, Building Contractor, or Developer may construct the necessary sewer extension, if such extension is approved by the City and designed and constructed in accordance with ASCE manuals and report on Engineering Practice – No. 37 (W.P.C.F. manual of practice No. 9). The Owner(s), Contractor, or Developer must pay for the entire installation, including all expenses incidental thereto. The installation of the sewer extension shall be subject to periodic inspection by the Engineer, and the Owner, Building Contractor, or Developer shall pay for the expenses for
this inspection. The Engineer’s decisions shall be final in matters of quality and methods of construction. Building sewers shall be installed and inspected in accordance with Section 4.

6.4 After the completion of all sewers, and before final acceptance, record drawings shall be furnished to the City consisting of a set of reproducibles.

6.5 All work shall comply with all Federal, State and local laws, ordinances and regulations.

6.6 All sewer extensions constructed at the Property Owner’s, Building Contractor’s or Developer’s expense, after final approval and acceptance by the Engineer, shall become the property of the City and shall thereafter be maintained by the City. Said sewers shall be guaranteed by the Owner, Contractor, or Developer against defects in materials or workmanship for twelve (12) months from the date of their acceptance by the City. The guarantee shall be in a form provided for by the City. At the sole desecration of the City, a maintenance bond or certified check may be demanded as part of the guarantee.
SECTION 7
PROTECTION FROM DAMAGE

7.1 No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the City sewerage works. Any person violating this provision shall be subject to immediate arrest under charges of criminal mischief as set forth in MRSA, Title 17-A, Chapter 33, Section 806.

7.2 A Contractor must present a certificate of insurance showing suitable liability insurance before a permit will be issued for construction of building sewers or sewer extensions.
SECTION 8
POWERS AND AUTHORITIES OF INSPECTORS

8.1 The City Council, the Engineer, City Representatives and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties upon reasonable notification for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of these rules and regulations.
SECTION 9

PENALTIES

9.1 Any person found to be violating any provision of these Rules and Regulations shall be served by the City with written notice stating the nature of the violation and providing a time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations and notify the City of corrective measures taken and when completed.

9.2 Any person who fails to comply with the provisions of these rules and regulations other than those provisions pertaining to the payment of charges for services established herein, shall, upon conviction, be subject to a fine not less than one hundred dollars ($100.00) for each offense. The continued violation one thousand dollars ($1000.00) for each offense. The continued violation of any provision of any section of these rules and regulations, other than those pertaining to the payment of charges or services established herein, shall constitute a separate offense for each and every day such violation of any provision hereof shall continue. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs and other expenses of litigation by appropriate suit at law against the person found to have violated these rules and regulations.

9.3 Any person violating any of the provisions of these rules and regulations shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violations.

9.4 Notwithstanding any of the foregoing provisions, the City may institute any appropriate action including injunction or other proceeding to prevent, restrain, or abate violations hereof.
SECTION 10

SEWER SERVICE CHARGES

10.1 All of the revenues for retiring debt services and capital expenditures, and the entire cost of operating and maintenance of the public sewerage works shall be a Sewer Service Charge assigned to users of the sewerage system and individual subsurface disposal systems on Redoubt Hill.

10.2 The Sewer Service Charge shall include a User Charge, as required in the federal regulations and as approved by the Maine DEP.

10.3 Sewer service charge rates shall be determined by the City on a yearly basis and shall be billed quarterly. The City shall notify the users yearly of the sewer service rates. The City shall also establish a utility accounting system including accounts for debt retirement, reserve accounts, and operation and maintenance costs. The operation and maintenance costs shall be categorized by labor, power and utilities, administration and material costs.

10.4 The City reserves the right, from time to time, to change sewer service charges originally or previously assigned to any Property Owner.

10.5 There shall be a late charge equal to the maximum rate allowed by State Law assessed to all delinquent accounts effective thirty (30) days from date of billing. The rate shall be established annually by the City.

10.6 There shall be a lien to secure the payment of sewer charges legally assessed on real estate served by the City, which shall take precedence of all other claims on such real estate, excepting those claims for taxes. The City Manager shall have the authority and power to sue for and collect the sewer charges.
SECTION 11

VALIDITY

11.1 All rules and regulations or parts of rules and regulations in conflict herewith are hereby repealed.

11.2 The invalidity of any section, clause, sentence, or provision of these rules and regulations shall not affect the validity of any other part thereof which can be given effect without such invalid part or parts.
SECTION 12
RULES AND REGULATIONS IN FORCE

12.1 These rules and regulations shall be in full force and effect from and after its passage, approval, recording, and publications as provided by law.

12.2 Passed and adopted by the City Council of the City of Eastport on the ______ day of _____________, 19____.

Approved this ___________ day of _____________, 19____.

Signed ______________________________________________, Chairman

Attest:

Signed ______________________________________________, Clerk
EASTPORT SEWER ORDINANCE

Section 4.2 amended 6/1/92 to read as follows:

"In Quoddy Village only, all connections to an existing public sewer shall include a septic tank and all piping between the septic tank and the existing public sewer (for residential septic systems only) shall become the property of the City upon approval by the City Council and receipt of an easement which allows access of city personnel to said septic tank and piping."

(The portion in brackets is the amendment to the section.)
CITY OF EASTPORT
INTERIM SEWER CHARGE ORDINANCE

BE IT ORDAINED AS FOLLOW:

1. PURPOSE. The City of Eastport is undertaking a major sewer reconstruction project, which will also provide primary treatment in order to meet both Federal and State legal standards and requirements. Funding for this project is substantially covered by State and Federal grants and loans but expenses which are not funded must be paid as they come due., as well as debt service payments. Until a regular sewer ordinance can be enacted, it is essential to provide funds to meet these necessary expenses and this ordinance establishes a simple flat monthly charge for all who are or will be connected to the new sewer system both in Quoddy Village and in Eastport proper.

2. RATE. A flat quarterly charge of $28.98 is hereby set to be paid by each property owner who is now a user connected to the existing public sewer system in Eastport, including Quoddy Village, and further to be paid by property owners who, under Maine law, must connect their drains to the reconstructed system when completed.

3. COMMENCEMENT. The City Manager is hereby authorized to set up a billing system and commence the billing process at the earliest convenient date after the effective date of this ordinance.

4. APPROPRIATION OF FUNDS. The funds received under the Interim Sewer Charge Ordinance are appropriated for the purpose of paying expenses incurred in reconstructing the sewer systems for Quoddy Village and Eastport proper, including waste treatment facilities, which are not otherwise provided for, including, among other things, debt service payments which must be met prior to the enactment of the permanent sewer ordinance with a schedule of sewer charges.

5. COLLECTION. The sewer charges creates by this ordinance shall be collected under the provisions of Title 30-A, Maine Revised Statutes Annotated Chapter 161 "Sewers and Drains". Interest shall be charged as set forth in Section 3406 and a lien claimed on real estate as provided in that section. The City Treasurer is empowered to utilize collection procedures, as stated in Section 3406, to collect delinquent service charges, interest, and lien charges.

6. EFFECTIVE DATE. This ordinance shall become effective fifteen (15) days after its enactment.
APPENDIX I

RESIDENTIAL OR COMMERCIAL BUILDING SEWER APPLICATION

To the City of Eastport:

The undersigned, being the _________________________________ of the 
(Owner, Owner's Agent) property located at ___________________________________, does hereby request 
(number) (street) a permit to install and connect a building sewer to serve the _____________________ 
(residence, commercial building, etc.) at said location.

1. The following indicated fixtures will be connected to the proposed building sewer:

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<thead>
<tr>
<th>No.</th>
<th>Fixture</th>
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Specify other fixture(s) ________________________________________________________

2. The name and address of person or firm who will perform the proposed work is ____________________________________________________________.

3. Plans and specification for the proposed building sewer are attached hereunto as Exhibit “A”.

In consideration of the granting of this permit, the undersigned agrees:

1. To accept and abide by all provisions of the Regulations of Sewer Use for the City of Eastport, and of all other pertinent ordinances or regulations that may be adopted in the future.

2. To maintain the building at no expense to the City of Eastport.
3. To notify the City when the building sewer is ready for inspection and connection to the public sewer, but before any portion of the work is covered.

4. To obtain a Maine Department of Transportation road opening permit prior to excavating in State roadway limits, and to abide by all requirements of said permit.

5. To cooperate at all times with the City Of Eastport and its representatives and to allow the City or its representatives to inspect the internal plumbing within the building at any reasonable time.

_________________________________ Date ______________

Owner

_________________________________ Date ______________

Owner’s Address

_________________________________ Date ______________

Applicant (if not owner)

_________________________________

Applicant’s Address

$10 inspection fee paid. ____________________

$500 connection fee paid. ____________________

Application approved and permit issued:

Date ______________ Signed ____________________

(City Plumbing Inspector)
APPENDIX II

INDUSTRIAL SEWER CONNECTION APPLICATION

To the City of Eastport

The undersigned, being the ___________________________ of the ___________________________

(Property located at ___________________________)

does hereby request a permit to _________________________ an industrial sewer connection serving the ___________________________,

at said location.

1. A plan of the property showing accurately all sewers and drains now existing is attached hereunto as Exhibit “A”.

2. Plans and specification covering any work proposed to be performed under this permit is attached hereunto as Exhibit “B”.

3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge, and representative analyses, is attached hereunto as Exhibit “C”.

4. The name and address of the person or firm who will perform the work covered by this permit is ___________________________.

In consideration of the granting of this permit, the undersigned agrees:

1. To furnish any additional information relating to the installation of use of the industrial sewer for which this permit is sought as may be requested by the City of Eastport.

2. To accept and abide by all provisions of the Regulations of Sewer Use for the City of Eastport and of all other pertinent ordinances or regulations that may be adopted in the future.
3. To operate and maintain any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sewer of the industrial wastes involved, and/or as required by any State or Federal pretreatment permit, in an efficient manner at all times and at no expense to the City of Eastport.

4. To cooperate at all times with the City of Eastport and its representatives in their inspecting, sampling and study of the industrial wastes, and any facilities provided for pretreatment.

5. To notify the City of Eastport immediately in the event of any accident, negligence, or other occurrence that occasions discharge to the public sewers of any wastes or process waters not covered by this permit.

Date: _______________ Signed ________________________

(Applicant)

__________________________
(Address of applicant)

$25 inspection fee paid. ___________________________

$1500 connection fee paid. ___________________________

Application approved and permit issued:

Date _______________ Signed ________________________

(City Plumbing Inspector)
Shellfish Conservation Ordinance

Date Adopted: May 11, 2016
Effective Date: May 26, 2016
Attest:

Revised:
Date Adopted: May 11th, 2016
Effective Date: May 26th, 2016
Attest: [Signature]

An Ordinance to ensure the protection and optimum utilization of shellfish resources within Eastport City limits.
EASTPORT SHELLFISH CONSERVATION ORDINANCE

Mission Statement

The City of Eastport and licensed harvesters act collaboratively as stewards to preserve, protect, manage, and enhance the shellfish resources and ecological well-being to ensure a sustainable harvest of shellfish and opportunity for those who make their living on the tide.

Purpose: To establish a shellfish conservation program for the City of Eastport which shall insure the protection and optimum utilization of shellfish resources within the City limits. These goals shall be achieved by means which may include:

A. Licensing

B. Restricting the time and area where digging is permitted.

C. Limiting the size of clams harvested.

CHAPTER 1. AUTHORITY, TITLE, PURPOSE, AND DEFINITIONS

Section 101 Authority
This ordinance is enacted in accordance with 12 MRS § 6671 and will be reviewed annually. The title of this ordinance is the Eastport Shellfish Conservation Ordinance.

Section 102 Purpose
The purpose of this ordinance is as follows:

102.1 To regulate the harvesting of shellfish in the City of Eastport.

102.2 To provide management programs in Eastport for the conservation of shellfish.

Section 103 Conservation and Management of Shellfish Resources
It is hereby determined as follows:
103.1 The clam flats of the City are a valuable shellfish resource which is important to the local economy.

103.2 These flats are not an inexhaustible resource; therefore, they must be prudently managed and viable.

103.3 As part of the management process, it is deemed vitally necessary to: restrict the taking of shellfish by limiting shellfish licenses; restricting the size and quantity of shellfish which may be harvested; restricting when and where shellfish may be harvested; and implementation of the other measures outlined in this ordinance.

Section 104 Definitions

104.1 City means the City of Eastport and its jurisdiction

104.2 Clam Flats denotes the area between high and low water

104.3 Harvest means to dig or take by means of implements operated solely by hand.

104.4 Resident is a person who has domiciled in the City of Eastport for at least 90 days prior to the time a claim of residence is made.

104.5 Non-resident taxpayer is an Eastport real estate owner who does not qualify as a resident or a member of a resident's household.

104.6 Non-resident means any person that is not a resident or real estate tax payer of this municipality.

104.7 Shellfish denotes the soft shell clams (Mya Arenaria).

104.8 Shellfish Warden refers to the law enforcement officer appointed by City Council to enforce this ordinance.

104.9 Lot is the total number of soft shell clams in any bulk pile. Where soft shell clams are in a box, barrel, or other container, the contents of each box, barrel, or other container constitutes a separate lot.

104.10 Possession means to dig, take, harvest, ship, transport, buy, or sell retail or wholesale soft shell clam shell stock.
104.11 **Period of Issuance** Any twelve month period designated by the City, unless the City chooses to limit the number of licenses it issues, in which case it shall mean the first 90 days during which the City issues shellfish licenses each calendar year. The period of issuance shall be the same for both residents and nonresidents.

**CHAPTER II**

**MARINE RESOURCE COMMITTEE**

**Section 201.** Marine Resource Committee

There is hereby established a Marine Resource Committee consisting of no fewer than three and no more than five members. Terms of office of the committee members are three years and to be appointed by the City Council. Terms of office of the committee are three years and terminate on the day of the Council's organizational meeting in January. Any committee member with three consecutive, unexcused absences from the regularly scheduled meetings may be removed by the City Council. The Council shall appoint a person to fill a vacancy for the remainder of the unexpired term. The committee shall choose a chairperson. The chairperson shall preside at all meetings of the committee. Meetings will be recorded and kept on file with the City Clerk.

**Section 202.** Powers and Duties of Committee

The Marine Resource Committee has the following powers and duties:

202.1 To plan and coordinate the shellfish conservation programs.

202.2 To recommend to the City Council how the money appropriated for the shellfish conservation should be spent.

202.3 To survey clam flats to obtain and maintain current information on shellfish resources including:

202.3.1 Estimation of the available standing crop.
202.3.2 Identification of readily visible sources of harmful pollution.

202.3.3 Conduction of a conservation program for commercial licenses as follows:
   1. The Marine Resources Committee shall develop a list of conservation activities by which commercial applicants can volunteer for conservation time.
   2. Notification of volunteer conservation time will be posted in three public locations, one of which must be the City website.

202.3.4 Annual establishment of the number of licenses to be issued in conjunction with the DMR.

202.3.5 Submission of the Annual Report to the City and DMR.

202.3.6 Suggesting/implementing conservation closures/openings.

Section 203.

Opening and Closing of Flats

It shall be unlawful for any person to harvest, take or possess shellfish from any closed area in the City of Eastport. The City Council, with the approval of the Commissioner of Marine Resources, may open or close clam flats. When the Marine Resource Committee recommends opening or closing a clam flat, the Council shall be advised. The Council shall schedule a public hearing with notice published in a newspaper having general circulation in the City. The notice shall occur not less than ten days before the scheduled hearing. The notice shall state the time, place, and subject matter of the hearing and a copy of the notice shall be forwarded to the Department of Marine Resources. All processes for opening and closing of flats will adhere to DMR Regulations Chapter 7.

At the hearing, the Committee shall present evidence obtained from its survey and/or other sources. Members of the public may present evidence in support or refutation of the evidence by the Committee.
After the hearing is closed, the Council shall make findings of fact of the relevant evidence presented. They shall make a conclusion based on those findings of fact as to whether opening of the flats as requested is warranted because of recovery of the resource or freedom from predation, competition or other resource problem. In cases of requested flat closings, the Council shall make a conclusion based on its finding of facts as to whether closing is warranted due to depletion of the shellfish; destruction of existing seed; or predation, competition or other resource problem. The Council, with the approval of the DMR area biologist, shall order either flat openings with such time limitations and other harvesting conditions as are consistent with good conservation practice or flat closings until further request for opening by the Committee.

Any proposal for opening or closing of flats shall be approved by the Commissioner of Marine Resources prior to enactment. When an area that has been closed by the State becomes open by the state, it will remain closed by the City of Eastport for purposes of conservation as long as the appropriate application has been filed with the DMR.

CHAPTER III

HARVESTING, LICENSES AND FEES

Section 301  
Harvesting Prohibited  
A person may not harvest, take or possess shellfish from the tidal waters or clam flats of the City of Eastport without first obtaining a license from the City.

Section 301.1  
Harvest Limits  
All commercial licenses are subject to harvest limits which may be set by the Eastport Marine Resources Committee after a public hearing held with a ten day notice.

Section 302  
Clam Size and Possession of Harvest  
A person shall not possess soft shell clams that are less than two (2) inches in the longer diameter to the amount more than 10% of any lot.

Section 303  
Method of Determining Tolerance  
the tolerance of 10% must be determined by a numerical count of not less than one (1) nor more than four (4) pecks taken at random from various parts of the entire lot. If the entire lot contains less than one (1) peck, the tolerance must be determined by the numerical count of the entire lot.
Section 304

Licenses Defined

There are five (5) types of licenses as follows:

304.1 **Resident Commercial Shellfish License**
This license entitles the licensee to harvest any amount of shellfish from the tidal waters or clam flats of Eastport where it is otherwise lawful to do so. Should a resident become a non-resident, the license will remain valid for 90 days after terminating resident in Eastport.

304.2 **Non-Resident Commercial Shellfish License**
This license entitles the licensee to harvest any amount of shellfish from the tidal waters or clam flats of Eastport where and when it is otherwise lawful to do so.

304.3 **Resident Recreation Shellfish License**
This license is available to residents and non-resident real estate taxpayers of Eastport and entitles the holder to dig no more than one peck of shellfish per day for the use of the holder and immediate family.

304.4 **Non-Resident Recreational Shellfish License**
This license is available to non-residents and entitles the holder to dig no more than one peck of shellfish per day for the use of the holder and immediate family.

304.5 **Three Day Recreational Shellfish License**
This license is available to resident and non-resident and non-residents and entitles the holder to dig no more than one peck of shellfish per day for the use of the holder and immediate family. This license is for a specific three (3) day period.

304.6 Prior to May 1st, the committee shall report its findings and document recommendations for the allocation of commercial and recreational licenses to be made available for the following license-year to the Commissioner of Maine Resources for concurrence.

304.7 After receiving approval of proposed license allocations from the Commissioner of Marine Resources and prior to June 1st, the Shellfish Conservation Committee shall notify the City Clerk in writing of the number and allocation of shellfish licenses to be issued.
304.8 Notice of the number of licenses to be issued and the procedure for application shall be published in trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which the municipal officers consider effective in reaching persons affected, not less than ten (10) days prior to the period of issuance and shall be posted in the municipal offices until the period concludes. A copy of the notice shall be provided to the Commissioner of Marine Resources.

304.9 Licenses may be returned to the City voluntarily, and reissued to another person at the current fee according to the priorities established in this section.

304.10 **Limited License Sales:** The number of licenses issued may be limited and will be issued according to the Municipal License Allocation Request as approved by DMR.

1. The City Clerk shall issue licenses to residents and nonresidents as allocated for the first 90 days of the period if issuance after which any unsold licenses shall be made available to residents and nonresidents alike on a first-come, first-served basis or by lottery, at the approved fee per available license class.

2. Nonresident Commercial Shellfish licenses will be awarded on a first-come basis or lottery. There will be a minimum number of commercial licenses available for non-residents, which shall be a number not less than 10% of the number of commercial licenses provided to residents.

304.11 **Open License Sales:** When the Shellfish Conservation Committee determines limiting shellfish licenses is not an appropriate shellfish management option for one or more license categories for the following year:

1. The City Clerk shall issue licenses as allocated. Licenses shall be issued in accordance with DMR Regulations – Chapter 7.
Section 305

Fees

305.1 Resident Commercial Shellfish License: $200.00 each, per year.
305.2 Non-resident Commercial Shellfish License: $400.00 each, per year.
305.3 Resident Recreational Shellfish License: $20.00 each, per year. Fee will be waived for residents aged 60 and over, or age 10 and under.
305.4 Non-resident Recreational Shellfish License: $35.00 each, per year. Fee will be waived for non-residents aged 60 and over, or age 10 and under.
305.5 Three (3) Day Recreational Shellfish License: $10.00 each, for a specific three (3) day period.
305.6 The Treasurer shall pay all fees received to the City except for $1.00 of each license, which will be retained by the City as payment for issuing the license. Fees received for shellfish licensing shall be used by the City for shellfish management, conservation, and enforcement.

Section 306

Application

The application for a license must be in the form of affidavit. It must contain the applicant's name, current address, period of residency, date of birth, height, weight, and such other necessary information as may be required. It must be signed by the applicant. The application must contain a section which indicates that, by signing, the applicant specifically agrees to respect Eastport conservation and management measures, including any harvest limit, and any shellfish closed areas and acknowledge that failure to follow these measures shall result in loss of license. The application shall contain the
date the license was issued and shall be filed with the City Clerk.

306.1 Misrepresentation
Any person who gives false information in connection with a Shellfish license application will cause said license to become invalid and void.

306.2 Separability
If any section, subsection, sentence or part of this ordinance is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this ordinance.

306.3 Violations, Suspension of Licenses, and Fines
A person who violates this ordinance shall be penalized as provided by 12 M.R.S.A § 6671 and/or 6681.
1. A licensee whose shellfish license has been suspended pursuant to this Ordinance may request return of their license only after the suspension period has expired. A suspended license is not to be returned until the fine is paid in accordance with the court's decree.
2. The suspension shall be effective from the date of mailing of a Notice of Suspension by the City Clerk to the licensee.
3. Any violation of this ordinance may result in a license suspension.
4. All suspensions of licenses shall be authorized by the City Council.
5. Any licensee whose shell license has automatically been suspended pursuant to this section shall be entitled to a hearing before the Shellfish Conservation Committee upon filing a written request with the City Clerk within thirty (30) days following the effective date of the suspension.
6. The licensee may appeal the decision of the Shellfish Conservation Committee before the City Council by filing a written request of appeal with the City Clerk within seven (7) days of the decision of the Shellfish Conservation Committee.

Section 306.4 Any shellfish harvester with a Commercial License should be issued an ordinance for information on laws and regulations.
Section 306.5 Effective Date: The Eastport City Council hereby ordains this Ordinance will take effect on May 26, 2016.

This ordinance, which has been approved by the Commissioner of Marine Resources, shall become effective after its adoption by the City, provided a certified copy of the ordinance is filed with the Commissioner within twenty (20) days of its adoption.

Date Adopted: May 11, 2016

Attest:
Zoning Ordinance
City of Eastport

Adopted: 12/12/77

Amended: 12/12/91, 12/02/96, 02/03/97, 07/06/98, 10/16/00, 01/08/01, 05/13/02, 09/09/02, 07/14/03, 10/06/03, 10/20/03, 01/12/04, 05/10/04, 11/08/04, 12/13/04, 2/14/05, 02/22/06, 07/09/07, 05/11/09, 08/10/09, 04/12/10, 08/13/10, 03/14/12, 10/10/12, 12/12/12, 9/11/13, 11/13/13, 12/11/13, 2/12/14, 9/10/14, 5/21/15, 6/10/15, 08/10/16, 10/12/16, 5/10/17
ZONING ORDINANCE
OF THE
CITY OF EASTPORT, MAINE

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ARTICLE 1 - PREAMBLE

1.1 Title

This ordinance and the accompanying official zoning map shall be known and cited as the "Zoning Ordinance, of the City of Eastport, Maine."

1.2 Authority

This ordinance has been prepared in accordance with the provisions of "Title 38, Sections 435-449 of the Maine Revised Statutes Annotated (MRSA) as amended."

1.3 Purposes

The Purposes of this ordinance are to further the maintenance of safe and healthful conditions; to protect commercial fishing and maritime industries; to foster resource based economic development; to control building sites, placement of structures and uses; to protect significant 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 prevent and control water pollution; to protect coastal wetlands; to conserve shore cover and points of access to coastal waters; to conserve natural beauty; to provide open space; and to anticipate and respond to the impacts of development.

1.4 Jurisdiction

The provisions of this ordinance shall govern - all land and all structures within the boundaries of the City of Eastport, Maine. This Ordinance also applies to any structure built in, over or abutting a dock, wharf or pier, or other structure extending beyond the normal high-water line of a water body or within a wetland.

1.5 Effective Date

The effective date of this ordinance is December 22, 1977. Amendments to this Ordinance which relate to the Shoreland Zone were adopted by the City Council on December 12, 1991 and approved by the Department of Environmental Protection on January 9, 1992. This revision has been enacted for purposes of computerization and rationalization of a numbering system by the City Council, February 3, 1997.
1.6 Availability

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

1.7 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.

1.8 Conflicts With Other Ordinances

This Ordinance shall not annul or in any way remove the necessity of compliance with any other rule, regulation, by-law, permit, or other 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.

1.9 How To Use This Ordinance

If any person or organization plans to erect a building, or alter, expand, or demolish an existing building, or subdivide a parcel of land, or begin a new kind of use for a building or parcel of land, the provisions of this Ordinance must be followed. The basic procedure for using this Ordinance and securing a building permit or other permit are as follows:

1.9.1 Go to the office of the Code Enforcement Officer at the Eastport City Hall and check the official Zoning Map. Find out which Zoning District the property is located in.

1.9.2 Consult "Section 5 of the Zoning ordinance District Requirements." Read the requirements for the district in which the property is located. Also consult "Section 6 - Performance Standards" for any additional requirements that may pertain to the intended construction or use. "Section 2 - Definitions" may also be helpful.

1.9.3 Ask the Code Enforcement Officer for help in interpreting these basic provisions.

1.9.4 If the intended use is a permitted use in the particular district, fill out a building permit application and submit it to the CEO together with any plans and documents that may be necessary. The CEO will act on application within seven days.
1.9.5 If the CEO denies the application, the applicant may wish to appeal this decision to the Board of Appeals. Review "Section 8 of the Zoning Ordinance - Board of Appeals" and fill out an application for an appeal.

1.9.6 If the intended use is listed as a "special exception" use in non-shoreland districts, the applicant must fill out a special exception permit application and submit it to the Board of Appeals.

1.9.7 If the intended use is in the Flood Zone, the provisions of the "Eastport Flood Zone Ordinance" must be met.

1.9.8 If the intended use is a special exception use in the Shoreland zone, or involves the moving of more than ten cubic yards of earth in the shoreland zone for other than normal building purposes, or is in an Historic District, the applicant should review the applicable sections of the Zoning Ordinance and then submit an application for a special permit to the Planning Board or the Historic Review Committee.

1.9.9 If the intended use involves the subdivision of land or buildings, the provisions of the Eastport "Planning Board Sub-Division Standards" must be met.

1.9.10 The Planning Board or Board of Appeals, when approving special exception uses, may require certain special conditions relating to the site plan, building design, parking, safety standards, etc. The applicant must comply with these conditions.

1.9.11 If the intended use is not listed as a permitted use or a special exception use for the particular district, or is not judged by the Board of Appeals to be similar in character to permitted or special exception uses, then that use will not be permitted under the provisions of this Ordinance. In this case, the applicant's only recourse is to apply for rezoning. See "Section 8 Change of Zoning District."

1.9.12 All communications relating to applications and/or appeals should be made in writing.
ARTICLE 2 - DEFINITION OF TERMS USED IN THIS ORDINANCE

In this ordinance, certain words shall be interpreted as follows: the word person includes groups such as a firm, association, partnership, company, or corporation as well as an individual; the word shall is mandatory; the word may is permissive. Terms not defined shall have the customary dictionary meaning.

Accessory structure or use - a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot.

Agriculture - the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities.

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

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

Automobile graveyard or junkyard - a yard, field or other area occupied by three or more unserviceable, inoperative, discarded, worn-out or junked motor vehicles; or occupied by auto bodies, engines, or other parts sufficient in bulk to equal two or more motor vehicles.

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

Coastal wetlands - all tidal and sub-tidal lands; all lands below any identifiable debris line left by tidal action; 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 maximum spring tide level as identified in tide tables published by the National Ocean Survey.

Commercial use - the use of lands, buildings, or structures, other than a "home occupation" defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.
Community facility - a building or structure that is operated and maintained by the City or by a community or non-profit organization and that is available for use by the general public.

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

Domestic animals - small animals generally kept as pets (dogs, cats, birds, etc). Not included are large animals (horses, cattle, etc), nor exotic animals which may be dangerous to others.

Driveway - a vehicular access-way less than five hundred feet in length serving two lots or less.

Dwelling - a fixed, single or multiunit structure that, when constructed or installed after enactment of this ordinance, complies with the following:

1. structures over twelve feet in height - Foundation walls, piers, and other permanent supports shall extend below the frost line or thirty inches, whichever is greater; (except when erected upon solid rock or otherwise protected from frost); and

2. structures under twelve feet in height - Such dwellings may be placed upon a continuous mat of reinforced concrete designed to resist frost action. Placement upon concrete piers laid with type M or S mortar shall be allowed. Hollow, concrete masonry units shall be filled with concrete or high-strength mortar after reinforcement with a minimum of four No. 5 steel bars. Cast-in-place concrete piers may also be used. Piers shall sit upon footings not less than eight inches wider than the pier supported thereon.

3. A mobile home shall be considered a dwelling if the wheels are removed and if it is secured by an anchoring system consisting of:
   a. frame ties of rust-resistant steel cable or straps with a yoke-type fastener and tensioning device or clamps and turnbuckles attached to;
   b. ground anchors which can include screw augers, expanding anchors, or concrete deadmen.

Dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.
**Emergency operations** - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property, and livestock from the threat of destruction or injury.

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

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

**Expansion of use** - the addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

**Exterior features** - These shall include the architectural style, general design and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material and type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures and natural features such as trees and shrubbery.

**Family** - one or more persons occupying a premises and living as a single housekeeping unit.

**Floor area** - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

**Forest management activities** - timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

**Foundation** - the supporting substructure of a building or other structure including, but not limited to basements, slabs, sills, posts or frostwalls.
**Functionally water-dependent uses** - those uses that require for their primary purpose, location on submerged lands or that require direct access to, or location in coastal and inland waters and which cannot be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins, and channels, industrial uses dependent upon waterborne 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 public access to marine or tidal waters.

**Height of a structure** - the vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas and similar appurtenances which have no floor area.

**Home occupation** - an occupation or profession which is carried on by a person in his or her home for profit. A home occupation must be clearly incidental to and compatible with the residential use of the property and surrounding residential uses, must not require external structural changes or external alterations which would change the residential appearance of the structure; and must not create offensive noise, odors, waste, glare, or other objectionable effects. A home occupation must not result in yard clutter or outside display of goods on a regular basis. A maximum of fifty percent of any one floor of a residential unit or accessory building may be used for a home occupation. It may employ no more than two persons other than family members residing in the house, one advertising sign no larger than three square feet shall be permitted. The sale of products shall be limited to those which are crafted, assembled, or substantially altered on the premises; to catalog items ordered off the premises by customers; and to items which are accessory and incidental to a service which is provided on the premises and the buying and selling of antiques.

**Hotels and other lodging places** - **Hotel** - a building with numerous rooms for rent to transient guests. **Rooming house** - a building of residential character, usually a converted large dwelling, several rooms of which are rented to guests who usually stay more than two weeks. **Lodging house** - is a similar building used primarily for transient guests, usually staying for a few days (Bed and Breakfast). **Boarding house** - a rooming house where meals are served to the guests.

**Individual private campsites** - 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 individuals and which involves site improvements which may include, but not be limited to gravel pads, parking areas, fireplaces, or tent platforms.
Industrial - the assembling, fabrication, finishing, manufacturing, packaging, or processing or shipping of goods, or the extraction of minerals.

Junkyard - an open area where used materials and waste materials are stored, handled, or sold.

Kennel - Any lot on which dogs are kept for the primary purposes of breeding, selling, training, or boarding.

Local Historic District(s) - an area which includes one or more buildings, structures, or sites which have particular historic, archaeological, or architectural significance to the City of Eastport. Local historic district designation is distinct from placement in the National Register of Historic Places and buildings, structures, or sites may be included under either or both designations.

Lot - A continuous parcel of land occupied or capable of being occupied by one building and its accessory structures and uses, and having frontage on a public or private street or documented right-of-way. A lot has a front lot line on any street which it abuts, a side lot line abutting adjacent lots of common frontage, and a rear lot line abutting lots not of common frontage.

Lot area - the area of land enclosed within the boundary lines of a lot, minus and 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.

Lot coverage – An area of a lot covered by the heated part of a dwelling, or by the entire building if the building is not a dwelling.

Lot of record - a parcel of land for which a legal description, dimensions and ownership has been registered with the County Registry of Deeds.

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

Market value - the estimated price a property will bring in the open market under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Minimum lot width - the closest distance between the side lot lines of a lot (only applicable in shoreland districts).
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 which within any twelve month period removes more than one hundred cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and transports the product removed from the extraction site.

Mobile home - a structure designed as a year-round dwelling unit and designed to be transported after fabrication on its own wheels. A mobile home must contain a toilet, tub and/or shower, kitchen facilities, sleeping accommodations, plumbing and electrical connections designed for attachment to outside systems; and must be fully skirted.

Mobile home park - a plot of land laid out to accommodate two or more mobile homes.

Multi-unit residential - a residential structure containing three or more residential dwelling units.

Municipal Building - a temporary or permanent structure owned by The City of Eastport and utilized for furnishing municipal services.

Neighborhood store - a store with fewer than one thousand square feet of retail floor area that primarily serves residents of a particular neighborhood; but excluding auto service stations, repair garages or facilities serving food on the premises.

Non-conforming lot - a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet any one or more of the dimensional requirements of the district in which it is located.

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

Non-conforming use - use of buildings, structures, premises, land or parts thereof, which is allowed to remain solely because it was in lawful existence at the time this ordinance or subsequent amendments took effect.

Normal-high-water line - that line which is apparent from visible markings, from changes in the character of soils due to prolonged action of the water or from changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial areas.
**Principal structure** - a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

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

**Public recreation facility** - an outdoor area that is operated and maintained by the City or by a community organization and that is available for use by the general public for recreational purposes.

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

<table>
<thead>
<tr>
<th>Alluvial</th>
<th>Cornish</th>
<th>Charles</th>
<th>Fryeburg</th>
<th>Hadley</th>
<th>Limerick</th>
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<tr>
<td>Lovell</td>
<td>Medomack</td>
<td>Ondawa</td>
<td>Podunk</td>
<td>Rumney</td>
<td>Saco</td>
</tr>
<tr>
<td>Suncook</td>
<td>Sunday</td>
<td>Winooski</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Recreational vehicle** - a vehicle designed to be towed or an attachment to a vehicle designed for temporary sleeping or living quarters for one or more persons and which may include a pick-up camper, travel-trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

**Replacement septic system** - a system intended to replace:

1. an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or

2. any existing overboard wastewater discharge.

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

**Road** - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

**Salt marsh** - an area along coastal waters (most often along coastal bays) which supports salt-tolerant species and where at average high tide during the growing season, the soil is regularly inundated by tidal waters.
Salt meadow - an area which supports salt-tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water.

Service drop - any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service, the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service and/or upon a roadway right-of-way; and the total length of the extension is less than one thousand feet.

2. in the case of telephone service, the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or the extension requiring the installation of new utility poles or placement underground is less than one thousand feet in length.

Setback - In the shoreland zone, the horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area. In all other cases, the minimum horizontal distance from a lot line to the nearest part of any principal structure or accessory structure.

Shore frontage - the length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.

Shoreland zone - the land area located within two hundred and fifty feet, horizontal distance, of the normal high-water line of any saltwater body or within 250 feet of the upland edge of a coastal wetland.

Sign - any structure, display, logo, device or representation which is designed or used to advertise or call attention to any thing, person, business, activity, or place and is visible from any public way. Whenever dimensions of a sign are specified, they shall include frames. The term "sign" refers to matter located outside or on a structure. Umbrellas over tables outside eating establishments are not considered "signs" for the purposes of this ordinance even if they carry advertising logos. Off-premises signs are prohibited except as in accordance with MRSA Title 23 ss 1901-1925 as amended.

Special exception - a use permitted only after review and approval by the Board of Appeals or the Planning Board. Such a use may be permitted only if specific provision for such special exception is made in this Ordinance. If no such provision has been made in this ordinance, the applicant's only recourse is to obtain rezoning of the property.
**Structure** - anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences and stairs pursuant to D.E.P. Chapter 1000 Section 15-B.paragraph 5. The term includes structures temporarily located, such as satellite dishes.

**Structural alterations** - any change of the exterior dimensions of a building or structure, or any change in the supporting members of a building such as bearing walls, columns, or beams. A property owner must obtain a building permit before undertaking any structural alterations.

**Subdivision** - the division of a tract or parcel of land into three or more lots within a five year period for the Purpose, immediate or future, of lease, sale, or building development. The term "subdivision" shall also mean the division of a new structure or structures on a tract of land or parcel of land into three or more dwelling units within a five year period, the construction or placement of three or more dwelling units on a single tract or parcel of land, and the division of an existing structure or structures previously used for commercial or industrial purposes, into three or more dwelling units within a five year period.

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

**Subsurface sewage disposal system** - a collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspools, well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping, designed to function as a unit for the purposes of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 413 ss-1a, or any public sewer. The term shall also not include a wastewater disposal system, designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA Chapter 13, - subchapter 1.

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

**Timber harvesting** - the cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery, but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

**Tributary stream** - a channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body, or wetland as defined. This definition does not include the term stream as defined in “38, MRSA 436-A” of the Shoreland zoning law. Only the, portion of a tributary stream located within the shoreland zone is covered by this definition.
Upland edge - the boundary between upland and wetland.

Vegetation - all live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under four inches in diameter, measured at four and one-half feet above ground level.

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

Water body - any tidal area.

Wetland - As regulated in this ordinance, the term refers to salt marshes and salt meadows.

Yard - the area of land on a lot not occupied by the principal building.

  Front yard - the area of land between the front lot line and the nearest part of the principal building.

  Side yard - the area of land between the side lot line and the nearest part of the principal building.

  Rear yard - the area of land between the rear lot line and the nearest part of the principal building.
ARTICLE 3 - GENERAL PROVISIONS

3.1 Interpretation

Interpretation of what may not be clear in this ordinance shall be according to the intent of the ordinance and the Comprehensive Plan endorsed by the City Council.

3.2 Non-Conformance

Consult the definitions of "non-conforming lot," "non-conforming structure," and "non-conforming use" in Article 2 of this ordinance for additional information:

3.2.1 Purpose

It is the intent of this ordinance to promote land use conformities, except that conditions in existence before December 12, 1991, which do not conform to the requirements of this ordinance are deemed non-conformities and shall be allowed to continue, subject to the requirements set forth in this section.

3.2.2 General

3.2.2.1 Transfer of ownership: non-conforming structures, lots and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this ordinance.

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

3.2.3 Non-conforming Structures

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

3.2.3.1.1 If any portion of a structure is less than the required setback from the normal high-water line or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume by 30% or more during the lifetime of the structure.
3.2.3.1.2 Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided; that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Permitting Authority basing its decision on the criteria specified in "subsection 3.2.3.2, Relocation;" that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three additional feet.

3.2.3.1.3 No structure which is less than the required setback from the normal high-water line or the upland edge of wetland shall be expanded towards the water body or wetland.

3.2.3.2 Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Permitting authority, 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 non-conforming. In determining whether the building relocation meets the setback to the greatest practical extent, the Permitting authority shall consider the size of the lot, the slope of the land, the potential for soil erosion, location of other structures on the property and on adjacent properties, location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

3.2.3.3 Reconstruction or Replacement: Any non-conforming structure which is removed, damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that, if applicable, such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.
3.2.3.3.1 Any non-conforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the CEO.

3.2.3.3.2 In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent, the Planning Board shall consider in addition to the criteria in 3.2.3.1.2, the physical condition and type of foundation present, if any.

3.2.4 - Change of Use of a Non-conforming Structure

3.2.4.1 The use of a non-conforming structure may not be changed to another use unless the Permitting Authority, after receiving a written application, determines that the new use will have no greater adverse impact upon the water body or wetland or on the subject or adjacent properties and resources than the existing use.

3.2.4.2 In determining that no greater adverse impact will occur, the applicant may be required to provide written documentation regarding the probable effects on public health and safety, commercial fishing, maritime activities, and other functionally water-dependent uses, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, points of public access to waters, natural beauty, flood plain management, and archaeological as well as historic resources.

3.2.5 - Non-conforming Uses

3.2.5.1 Expansions: Expansions of nonconforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Permitting authority for the existing structures, be expanded within existing structures, or within expansions of such structures provided such expansions conform to the dimensional requirements of the zoning district.

3.2.5.2 Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use may not again be devoted to a non-conforming use except that the Zoning Board of Appeals may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five years.

3-3
3.2.5.3 Change of Use: An existing non-conforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Permitting Authority. The determination of no greater adverse impact shall be made according to criteria listed in "Section 3.2.4.2" above.

3.2.6 Non-conforming Lots

3.2.6.1 Non-conforming Lots:

3.2.6.1.1 In shoreland districts, a non-conforming lot of record as of the effective date of this Ordinance or amendment thereto, may be built upon, without the need for a variance, provided that such lot is in separate ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.

3.2.6.1.2 In all other districts in which single-family dwellings are permitted, a single family dwelling may be erected on any single lot of record even though the lot area does not conform to the requirements of the particular district. However, such lot must be in separate ownership and not contiguous with any other lot in the same ownership and lot coverage may not exceed 30%. Smaller yard dimensions may be permitted by variance, but in no case shall any front, back, or side yard be less than three feet.

3.2.6.2 Contiguous Built Lots

3.2.6.2.1 If two or more lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance and if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the "State minimum Lot Size Law and Subsurface Wastewater Disposal Rules" are complied with.

3.2.6.2.2 If two or more principal uses or structures existed on a single lot of record on December 12, 1991, each may be sold as a separate lot provided that the above referenced law and rules are complied with. When such lots are divided, each lot thus created must conform to the greatest extent possible with the dimensional requirements of this ordinance.
3.2.6.3 Contiguous Lots-Vacant or Partially Built

3.2.6.3.1 If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure, the lots shall be combined to the extent necessary to meet the dimensional requirements.

3.3 Additional Uses

Uses other than those specifically mentioned in this ordinance as permitted or special exception uses may be allowed by Board of Appeals vote provided that such other uses:

3.3.1 are similar in character to the permitted or special exception uses in the particular district;

3.3.2 will have no adverse effect on adjacent properties, the neighborhood, or the community.

3.4 Public Hearings

The public shall be duly informed of any Public Hearing that may be required for amendments, variances, special exceptions and other aspects of this Ordinance. The method of informing the public shall be:

3.4.1 advertisement in a local newspaper not less than ten days before the Public Hearing,

3.4.2 posting of a notice in at least three public places including on-line via City website 48 hours prior to the meeting.

3.5 Amendment

This Ordinance may be amended as follows:

3.5.1 by a majority vote of the Eastport City Council if the proposed amendment is recommended by the Planning Board, or

3.5.2 by 80% majority vote of the Eastport City Council if the proposed amendment is not recommended by the Planning Board.
3.5.3 by 80% majority vote of the Eastport City Council if there are objections in writing signed by at least 10% of the property owners either within the affected area or within 200 feet of the affected area's boundaries.

3.5.4 In all cases, the Planning Board shall hold a public hearing at least 15 days prior to the meeting of the Eastport City Council to consider the proposed amendment. The person or organization requesting the amendment shall post a fee of $75.00 to the City Clerk to cover publication costs associated with the amendment process. Notice of the hearing shall be posted at least 10 days in advance in a newspaper of general circulation in the area.

3.5.5 Copies of amendments affecting the Shoreland districts, after being attested and signed by the City Clerk, shall be submitted to the Board of Environmental Protection following adoption by the City Council and shall not be effective unless approved by that Board. If the Board fails to act upon any amendment within forty-five days of its receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five day period shall be governed by the terms of the amendment, if such amendment is approved by the Board.
ARTICLE 4 - ESTABLISHMENT OF DISTRICTS

4.1 Zoning Districts

To implement the provisions of this Ordinance, the City of Eastport is hereby divided into the following districts:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;RR&quot;</td>
<td>Rural District</td>
</tr>
<tr>
<td>&quot;R1&quot;</td>
<td>Single-family Residential District</td>
</tr>
<tr>
<td>&quot;R2&quot;</td>
<td>Single and Multi-family Residential District</td>
</tr>
<tr>
<td>&quot;B1&quot;</td>
<td>Downtown Business District (an overlay zone)</td>
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<tr>
<td>&quot;B2&quot;</td>
<td>Highway Business District</td>
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<td>&quot;I&quot;</td>
<td>Industrial District</td>
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<tr>
<td>&quot;SRP&quot;</td>
<td>Shoreland Resource Protection</td>
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<td>Shoreland Limited Residential</td>
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<tr>
<td>&quot;HD&quot;</td>
<td>Harbor District</td>
</tr>
<tr>
<td>&quot;HDD&quot;</td>
<td>Historical Designated District (an overlay zone)</td>
</tr>
</tbody>
</table>

4.2 Location of Districts

The districts are located and bounded as shown on the official Zoning Map, entitled "Zoning Map of the City of Eastport, Maine" dated December 12, 1991 and on file in the office of the City Clerk. Additional copies of this map may be seen in the office of the Code Enforcement officer.
4.3 Uncertainty of Boundary Location

4.3.1 Unless otherwise set forth on the official shoreland zoning map, district boundary lines are property lines, the centerlines of streets, roads and right-of-ways, and the boundaries of the shoreland zone as herein defined. Boundaries indicated as being parallel to or extensions of the features listed above shall be so construed, and distances not specifically indicated on the official zoning map shall be determined by the scale of the map. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

4.3.2 The official shoreland zoning map shall be drawn at a scale of 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map. The official shoreland zoning map shall be certified by the attested signature of the City Clerk and shall be located in the office of the Clerk.

4.3.3 If amendments, in accordance with Article 3.5 are made in the district boundaries or other matter portrayed on the official shoreland zoning map, such changes shall be made on the "Official Shoreland Zoning Map" within thirty days after the amendment has been approved by the Department of Environmental Protection.
ARTICLE 5 - DISTRICT REQUIREMENTS

5.1 Rural District (RR)
The intent of the restrictions in the RR District is to protect the rural use and character of the land, while permitting low density development.

5.1.1 Permitted Structures and Uses

5.1.1.1 Permitted Uses
Agriculture, church or temple, educational institution, facilities for the storage and processing of agricultural and fish products (but no including slaughter houses), forestry, public recreational facility, single family dwelling, summer cottage.

5.1.1.2 Accessory Uses
Buildings and structures usually associated with these permitted uses shall be allowed, including home occupation, roadside stands for the sale of produce, keeping of domestic animals for personal use and enjoyment (but not including a kennel), keeping of large animals, private garage, private swimming pool, signs subject to "Article 6 Section 21," temporary building for uses incidental to construction.

5.1.2 Special Exceptions
The following uses shall be permitted if expressly authorized by the Board of Appeals: advertising signs subject to the provisions of "Article 6 section 21," airport or heliport, auction barn, campground, cemetery, commercial greenhouse, commercial recreational facility, community facility, government structure, hairdressing establishments, municipal building, junkyard subject to State and City regulations, kennel, mobile home park, professional offices, public utility or communications structure, nursing home, funeral home, hospital, riding stable, rock quarry, sand and gravel pit, tourist cabins, motels and hairdressing establishments.

5.1.3 Lot Area

5.1.3.1 Without Public Sewer - Minimum of 40,000 square feet

5.1.3.2 With Public Sewer - Minimum of 20,000 square feet
5.1.4 Frontage

5.1.4.1 Without Public Sewer - Minimum of 150 feet
5.1.4.2 With Public Sewer - Minimum of 100 feet

5.1.5 Minimum Yard Depths

5.1.5.1 Front yard - 30 feet
5.1.5.2 Side yard - 15 feet
5.1.5.3 Back yard - 30 feet

5.1.6 Maximum Heights of Buildings

5.1.6.1 Principal use 35 feet
5.1.6.2 Accessory buildings 35 feet

5.1.7 Maximum Lot Coverage

25%

5.1.8 Performance Standards

Permitted uses and uses permitted by special exceptions shall conform to the performance standards described in "Article 6 of this Ordinance."
5.2 Single Family Residential District (R1)

The intent of the R1 District is to encourage high standard residential developments with essentially one family homes and to prevent land uses which would be incompatible with this residential use.

5.2.1 Permitted Structures and Uses

5.2.1.1 Permitted Uses
Single-family dwelling, church or temple, public recreation facility.

5.2.1.2 Accessory Uses
Buildings and structures usually associated with these permitted uses shall be allowed, including home occupation, gardening and growing fruits and vegetables, and the incidental sale of produce grown by the residents of a dwelling, keeping of domestic animals for personal use and enjoyment (but not including a kennel), keeping of one large animal such as a horse or cow provided that the animal is well cared for and premises are large enough and kept clean, private garage, private swimming pool, signs subject to "Article 6 Section 21," temporary building for uses incidental to construction.

5.2.2 Special Exceptions

The following uses may be permitted if expressly authorized by the Board of Appeals: community facility, educational institution, municipal building, public utility or communications structure, nursing home, fish processing facility (provided that such fish processing facility does not exceed 5% of the square footage area of the established lot upon which the facility is located), funeral home, government structure, municipal building, hospital. In the R1 district, if more than one such special exception is to be permitted, the cumulative impact of the business on the residential neighborhood (defined as an area up to two blocks radius or up to 500 Foot radius from the applicant) must be considered by the Board before approving additional requests.

5.2.3 Lot Area

5.2.3.1 Without Public Sewer - Minimum of 20,000 square feet
5.2.3.2 With Public Sewer - Minimum of 10,000 square feet

5.2.4 Frontage

5.2.4.1 Without Public Sewer - Minimum of 100 feet
5.2.4.2 With Public Sewer - Minimum of 75 feet
Minimum Yard Depths

5.2.5.1 Front yard - 20 feet
5.2.5.2 Side yard - 15 feet
5.2.5.3 Back yard - 20 feet

5.2.6 Maximum Heights of Buildings

5.2.6.1 Principal use 35 feet
5.2.6.2 Accessory buildings 35 feet

5.2.7 Maximum Lot Coverage

20%

5.2.8 Performance Standards

Permitted uses and uses permitted by special exceptions shall conform to the performance standards described in "Article 6" of this ordinance.
5.3 Single and Multi-Family Residential District (R2)

The intent of the R2 District is to encourage a reasonable diversity in the type and density of residential development and related, compatible land uses.

5.3.1 Permitted Structures and Uses

5.3.1.1 Permitted Uses
Single family dwelling, two-family dwelling, church or temple, public recreation facility.

5.3.1.2 Accessory Uses
Buildings and structures usually associated with these permitted uses shall be allowed, including home occupation, gardening and growing fruits and vegetables, and the incidental sale of produce grown by the residents of a dwelling, keeping of domestic animals for personal use and enjoyment (but not including a kennel), keeping of one large animal such as a horse or cow provided that the animal is well cared for and premises are large enough and kept clean, or garage, private swimming pool, signs, subject to “Article 6 Section 21,” temporary building for uses incidental to construction.

5.3.2 Special Exceptions

The following uses may be permitted if expressly authorized by the Board of Appeals: community facility, conversion of an existing residential structure for use in whole or in part as a restaurant, public utility or communications structure, nursing home, educational institution, fish processing facility (provided that such fish processing facility does not exceed 5% of the square footage area of the established lot upon which the facility is located), funeral home, government structure, hairdressing establishments, municipal building, hospital, neighborhood store, rooming, boarding or lodging house, professional office, and dwellings with three or more units subject to all relevant provisions of this Ordinance and subject also to approval by the Eastport Planning Board. In the R2 district, if more than one such special exception is to be permitted, the cumulative impact of the business on the residential neighborhood (defined as an area up to two blocks radius or up to 500 foot radius from the applicant) must be considered by the Board before approving additional requests.
5.3.3 Minimum Dimensional Requirements

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Lot Area Sq. Ft.</th>
<th>Frontage</th>
<th>Front Yard Depth</th>
<th>Side Yard Depth</th>
<th>Rear Yard Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Family Dwelling</td>
<td>7,000</td>
<td>50</td>
<td>20</td>
<td>7</td>
<td>20</td>
</tr>
<tr>
<td>2 Family Dwelling</td>
<td>9,000</td>
<td>60</td>
<td>20</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>Multiple Dwelling less than 3 Stories</td>
<td>12,500</td>
<td>80</td>
<td>20</td>
<td>15</td>
<td>30</td>
</tr>
<tr>
<td>Multiple Dwelling 3 Stories</td>
<td>25,000</td>
<td>125</td>
<td>20</td>
<td>30</td>
<td>40</td>
</tr>
<tr>
<td>All Other Uses</td>
<td>14,000</td>
<td>100</td>
<td>20</td>
<td>20</td>
<td>35</td>
</tr>
</tbody>
</table>

5.3.3.1 Front Yard Setback Exemption

Those lots and parcels having frontage on the north side of Sullivan Street shall be exempt from the 20 foot (R2) front yard depth and shall be subject to a reduced Front yard depth of 10 feet.

5.3.4 Lot Area

Lot area per family for all multiple dwellings is 2,500 sq. ft.

5.3.5 Maximum Heights of Buildings

5.3.5.1 Principal use 35 feet

5.3.5.2 Accessory buildings 35 feet

5.3.6 Maximum Lot Coverage

30%

5.3.7 Performance Standards

Permitted uses and uses permitted by special exceptions shall conform to the performance standards described in "Article 6" of this Ordinance.
5.4 Downtown Business District (B1) (an overlay zone)

The intent of the restrictions of the B-1 District is to maintain and enhance the general character of the present downtown area.

5.4.1 Permitted Structures and Uses

5.4.1.1 Permitted Uses

Appliance repair shop, bakery, bank, bicycle repair shop, business or professional office, church or temple, clinic, clubs, community facility, dry cleaning establishment, educational facility, fish processing facility, funeral home, government structure, hairdressing establishments, hospital or nursing home, hotels, motels and other types of lodging places, indoor commercial recreational and amusement facilities, library, liquor store, museum, newspaper and printing plant, parking garage and parking lot, post office, public utility or communication structure, restaurant (but not including drive-in establishments), retail businesses where goods are displayed and sold mainly indoors, semi-public and private cultural or religious institutions, shoe repair shop, studios for dance, art, photography and music, one and two-family dwellings, and dwelling units.

5.4.1.2 Accessory Uses

Buildings and structures usually associated with these permitted uses shall be allowed, including home occupation, gardening and growing fruits and vegetables, keeping of domestic animals for personal use and enjoyment (but not including a kennel), private garage, private swimming pool, signs subject to "Article 6 Section 21," temporary building for uses incidental to construction, and off street parking facilities.

5.4.2 Special Exceptions

The following uses shall be permitted if expressly authorized by the Board of Appeals: Municipal buildings, dwellings with three or more units subject to all relevant provisions of this Ordinance and subject also to approval by the Planning Board. A tavern, bar, or liquor sales other than a liquor store may be permitted by affirmative vote of the City Council.
5.4.3 Minimum Dimensional Requirements

5.4.3.1

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Lot Area Sq. Ft.</th>
<th>Frontage</th>
<th>Front Yard Depth</th>
<th>Side Yard Depth</th>
<th>Rear Yard Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Family Dwelling</td>
<td>7,000</td>
<td>50</td>
<td>20</td>
<td>7</td>
<td>20</td>
</tr>
<tr>
<td>2 Family Dwelling</td>
<td>9,000</td>
<td>60</td>
<td>20</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>Multiple Dwelling less than 3 Stories</td>
<td>12,500</td>
<td>80</td>
<td>20</td>
<td>15</td>
<td>30</td>
</tr>
<tr>
<td>Multiple Dwelling 3 Stories</td>
<td>25,000</td>
<td>125</td>
<td>20</td>
<td>30</td>
<td>40</td>
</tr>
<tr>
<td>All Other Uses</td>
<td>14,000</td>
<td>100</td>
<td>20</td>
<td>20</td>
<td>35</td>
</tr>
</tbody>
</table>

5.4.3.2 For other uses

There shall be no special requirements for lot area, frontage, and yard dimensions except that when a non-dwelling use in District B1 adjoins any R District, the minimum side yard of the non-dwelling use shall be ten feet, and the minimum rear yard dimension shall be fifteen feet.

5.4.3.3 Residential Restrictions

No buildings in the Downtown Revitalization Area (Water Street and sidewalk from Key Street to Sullivan Street shall be utilized as dwellings at street level.

Any and all buildings currently occupied as dwellings at street level in said area shall be grand fathered only so long as occupied. Should said occupied space be vacated at any time, building shall then be made current with this section. Grand fathered uses cannot be transferred to any other entity, nor be sub-let, neither can it be passed on to heirs, nor can any continuance be granted.
5.4.4 Lot Area
Lot area per family for all multiple dwellings is 2,500 sq. ft.

5.4.5 Maximum Heights of Buildings
5.4.5.1 Principal use 35 feet
5.4.5.2 Accessory buildings 35 feet

5.4.6 Maximum Lot Coverage
5.4.6.1 For one and two family dwellings - 30%
5.4.6.2 No limit for other uses

5.4.7 Performance Standards
Permitted uses and uses permitted by special exceptions shall conform to the performance standards described in "Article 6" of this Ordinance.
5.5 Highway Business District (B2)

The intent of the B2 District is to provide for moderate density highway-oriented business use.

5.5.1 Permitted Structures and Uses

5.5.1.1 Permitted Uses

Any principal use permitted as regulated in District B1, (but not including dwellings or fish processing facilities), and also retail and service businesses serving motorists including but not limited to church, city truck depot, drive-in theaters, drive-in restaurants, medical, motor vehicle service stations, office, recycle centers, residential, retail, uses involving outdoor display or storage of large amounts of merchandise such as a building supply store, commercial nursery, mobile home or motor vehicle sales (but excluding any kind of junkyard); outdoor commercial recreation or amusement facility, tavern.

5.5.1.2 Accessory uses

Buildings and structures usually associated with these permitted uses shall be allowed, including home occupation, gardening and growing fruits and vegetables, keeping of domestic animals for personal use and enjoyment (but not including a kennel), private garage, private swimming pool, signs subject to "Article 6 Section 21," temporary building for uses incidental to construction, a single-family home owned by the owner or operator of a principal highway business use, and off-street parking facilities.

5.5.2 Special Exceptions

The following uses shall be permitted if expressly authorized by the Board of Appeals: Municipal building, mobile home park, multi-unit residential, and fish processing facility.

5.5.3 Lot Area

5.5.3.1 Without Public Sewer - Minimum of 40,000 square feet
5.5.3.2 With Public Sewer - Minimum of 20,000 square feet
5.5.4 Frontage

Minimum of 100 feet

5.5.5 Minimum Yard Depths

5.5.5.1 Front Yard - 40 feet

5.5.5.2 Side yard - 10 feet (except when abutting any "R" district, the minimum side yard shall be 20 feet)

5.5.5.3 Back yard - 20 feet

5.5.6 Maximum Heights of Buildings

5.5.6.1 Principal use 35 feet

5.5.6.2 Accessory buildings 35 feet

5.5.7 Maximum Lot Coverage

30%

5.5.8 Performance Standards

Permitted uses and uses permitted by special exceptions shall conform to the performance standards described in "Article 6" of this Ordinance.
5.6 Industrial District (I)

The intent of the Industrial District regulations is to encourage non-polluting industrial development at a reasonable density.

5.6.1 Permitted Structures and Uses

5.6.1.1 Permitted Uses

Commercial laundry, commercial shipping facility, fuel tanks and other storage tanks, mail-order house, manufacturing, printing and publishing, public utility building, and storage yard, research or experimental laboratory, service and sale of motor vehicles, truck terminals, warehouses, wholesale business, church or temple. Residential uses are not permitted.

5.6.1.2 Accessory uses

Buildings and structures usually associated with these permitted uses shall be allowed, including off-street parking facility, signs subject to the provisions of "Article 6 Section 21," temporary building for uses incidental to construction.

5.6.2 Special Exceptions

The following uses shall be permitted if expressly authorized by the Board of Appeals: Municipal buildings, retail and service establishments, building material yard, junkyard, extraction of minerals, commercial recreation.

5.6.3 Lot Area

Minimum of 40,000 square feet

5.6.4 Frontage

Minimum of 100 feet

5.6.5 Minimum Yard Depths

5.6.5.1 Front yard - 30 feet

5.6.5.2 Side yard - 20 feet

5.6.5.3 Back yard - 25 feet
5.6.6 Maximum Heights of Buildings

5.6.6.1 Principal use 35 feet

5.6.6.2 Accessory buildings 35 feet

5.6.7 Maximum Lot Coverage
50%

5.6.8 Performance Standards

Permitted uses and uses permitted by special exceptions shall conform to the performance standards described in "Article 6" of this Ordinance.
5.7 Shoreland Resource Protection District (SRP)

The provisions of this section apply to all land areas designated SRP on the official Zoning Map that are within 250 feet, horizontal distance, of the normal high water line or the upland edge of salt marshes or salt meadows. The intent of the restrictions in the SRP District is to protect and preserve shoreland areas in which development would have an adverse effect on water quality, wildlife habitats, or important scenic and ecological resources. This district shall also include 100 year flood plains adjacent to tidal waters (excluding areas already densely-developed) as shown on FEMA’s Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

5.7.1 Permitted Uses

See "Sections 5.7.9 and 5.7.10"

5.7.2 Special Exceptions

Those uses which require a Planning Board permit are construed to be special exceptions. See "Sections 5.7.9 and 5.7.10"

5.7.3 Lot Area

Minimum of 40,000 square feet

5.7.4 Frontage

Minimum of 200 feet

5.7.5 Minimum Yard Depths

Setback from normal high water mark - 250 feet

5.7.6 Maximum Heights of Buildings

5.7.6.1 Principal use 35 feet

5.7.6.2 Accessory buildings 35 feet

5.7.7 Maximum Lot Coverage

20%

5.7.8 Performance Standards

Permitted uses and uses permitted by special exception shall conform to the performance standards described in "Article 6" of this Ordinance.
Table of Land Uses (SRP)

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>NOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-intensive recreational uses not requiring structures such as hunting, fishing, &amp; hiking.</td>
<td>Yes</td>
</tr>
<tr>
<td>Motorized vehicular traffic on existing roads and trails.</td>
<td>Yes</td>
</tr>
<tr>
<td>Forest management activities except for timber harvesting.</td>
<td>Yes</td>
</tr>
<tr>
<td>Timber Harvesting</td>
<td>No</td>
</tr>
<tr>
<td>Clearing of vegetation for approved construction and other allowed uses.</td>
<td>CEO</td>
</tr>
<tr>
<td>Fire prevention activities.</td>
<td>Yes</td>
</tr>
<tr>
<td>Wildlife management practices</td>
<td>Yes</td>
</tr>
<tr>
<td>Soil and water conservation practices</td>
<td>Yes</td>
</tr>
<tr>
<td>Mineral exploration - 2</td>
<td>Yes</td>
</tr>
<tr>
<td>Mineral extraction including sand and gravel extraction.</td>
<td>PB</td>
</tr>
<tr>
<td>Surveying and resource analysis</td>
<td>Yes</td>
</tr>
<tr>
<td>Emergency operations</td>
<td>Yes</td>
</tr>
<tr>
<td>Agriculture</td>
<td>PB</td>
</tr>
<tr>
<td>Aquaculture</td>
<td>PB</td>
</tr>
<tr>
<td>Principal structures and uses</td>
<td></td>
</tr>
<tr>
<td>One and two family residential</td>
<td>No</td>
</tr>
<tr>
<td>Multi-unit residential</td>
<td>No</td>
</tr>
<tr>
<td>Commercial</td>
<td>No</td>
</tr>
<tr>
<td>Industrial</td>
<td>No</td>
</tr>
<tr>
<td>Governmental and Institutional</td>
<td>No</td>
</tr>
<tr>
<td>Municipal Building</td>
<td>No</td>
</tr>
<tr>
<td>Small non-residential facilities for educational, scientific, or nature interpretation purposes.</td>
<td>PB</td>
</tr>
<tr>
<td>Structure accessory to allowed uses.</td>
<td>PB</td>
</tr>
<tr>
<td>Piers, docks, wharves, bridges, and other structures and uses extending over or below the normal high-water line or within a wetland.</td>
<td></td>
</tr>
<tr>
<td>Temporary</td>
<td>CEO</td>
</tr>
<tr>
<td>Permanent</td>
<td>PB</td>
</tr>
<tr>
<td>Conversions of seasonal residences to year-round residences.</td>
<td>No</td>
</tr>
<tr>
<td>Home occupations.</td>
<td>No</td>
</tr>
<tr>
<td>Private sewage disposal systems for allowed uses.</td>
<td>No</td>
</tr>
<tr>
<td>Essential services.</td>
<td>PB6</td>
</tr>
<tr>
<td>Service drops, as defined, for allowed uses.</td>
<td>Yes</td>
</tr>
<tr>
<td>Public and private recreational areas involving minimal structural development.</td>
<td>PB</td>
</tr>
<tr>
<td>Individual, private campsites.</td>
<td>CEO</td>
</tr>
<tr>
<td>Campgrounds</td>
<td>No</td>
</tr>
<tr>
<td>Road and driveway construction</td>
<td>No3</td>
</tr>
<tr>
<td>Parking facilities</td>
<td>PB</td>
</tr>
<tr>
<td>Marinas</td>
<td>No</td>
</tr>
</tbody>
</table>

5-15
5.7.10 Other Uses

5.7.10.1 Similar Uses

5.7.10.1.1 Uses similar to allowed uses requiring a CEO permit are allowed with CEO approval.

5.7.10.1.2 Uses similar to allowed uses requiring PB approval are allowed with Planning Board approval.

5.7.10.2 Earthmoving

5.7.10.2.1 <10 cubic Yards is allowed in all shoreland districts but requires PB (Planning Board) approval in SRP zones.

5.7.10.2.2 >10 cubic yards requires PB approval.

5.7.10.3 Signs

Signs are allowed in all districts but refer to Article 6.21 of the performance standards for additional information.
5.8 Shoreland Limited Residential (SLR)

The Limited Residential District (SLR) includes those areas suitable for residential and recreational development. It includes areas other than those in the SRP District and areas which are used less intensively than those in the other districts.

5.8.1 Permitted Uses

See "Sections 5.8.9 and 5.8.10"

5.8.2 Special Exceptions

Those uses which require a Planning Board permit are construed to be special exceptions. See "Sections 5.8.9 and 5.8.10"

5.8.3 Lot Area

5.8.3.1 Residential, per dwelling unit - minimum of 30,000 square feet.

5.8.3.2 All other permitted uses - minimum of 40,000 square feet.

5.8.4 Frontage

5.8.4.1 Residential - minimum of 150 feet

5.8.4.2 All other permitted uses - minimum of 200 feet

5.8.5 Minimum Yard Depths

5.8.5.1 Setback from normal high water mark - 75 feet

5.8.5.2 Other yard depths;

5.8.5.2.1 Without public sewer:

5.8.5.2.1.1 Front yard - 30 feet

5.8.5.2.1.2 Side yard - 15 feet

5.8.5.2.1.3 Back yard - 30 feet
5.8.5.2.2 With public sewer:

5.8.5.2.2.1 Front yard - 20 feet
5.8.5.2.2.2 Side yard - 12 feet
5.8.5.2.2.3 Rear yard - 20 feet

5.8.6 Maximum Heights of Buildings

5.8.6.1 Principal use 35 feet
5.8.6.2 Accessory buildings 35 feet

5.8.7 Maximum Lot Coverage

20%

5.8.8 Performance Standards

Permitted uses and uses permitted by special exception shall conform to the performance standards described in "Article 6" of this Ordinance.
### 5.8.9 Table of Land Uses (SLR)

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>NOTE</th>
</tr>
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<tbody>
<tr>
<td>Non-intensive recreational uses not requiring structures such as hunting, fishing, &amp; hiking.</td>
<td>Yes</td>
</tr>
<tr>
<td>Motorized vehicular traffic on existing roads and trails.</td>
<td>Yes</td>
</tr>
<tr>
<td>Forest management activities except for timber harvesting.</td>
<td>Yes</td>
</tr>
<tr>
<td>Timber Harvesting</td>
<td>Yes</td>
</tr>
<tr>
<td>Clearing of vegetation for approved construction and other allowed uses.</td>
<td>Yes</td>
</tr>
<tr>
<td>Fire prevention activities.</td>
<td>Yes</td>
</tr>
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<td>Wildlife management practices</td>
<td>Yes</td>
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<td>Mineral extraction including sand and gravel extraction.</td>
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A) dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
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C) filling, including adding sand or other material to a sand dune; or
D) any construction or alteration of any permanent structure.

5.8.10 Other Uses

5.8.10.1 Similar Uses

5.8.10.1.1 Uses similar to allowed uses requiring a CEO permit are allowed with CEO approval.

5.8.10.1.2 Uses similar to allowed uses requiring PB approval are allowed with Planning Board approval.

5.8.10.2 Earthmoving

5.8.10.2.1 <10 cubic Yards is allowed in all shoreland districts but requires PB (Planning Board) approval in SRP zones.

5.8.10.2.2 >10 cubic yards requires PB approval.

5.8.10.3 Signs

Signs are allowed in all districts but refer to "Article 6.21" of the performance standards for additional information.
5.9 **Shoreland Limited Commercial (SLC)**

The Limited Commercial District (SLC) includes areas of mixed, light commercial and residential use which should not be developed as intensively as the General Development District. This area includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

### 5.9.1 Permitted Uses

See "Sections 5.9.9 and 5.9.10"

### 5.9.2 Special Exceptions

Those uses which require a Planning Board permit are construed to be special exceptions. See "Sections 5.9.9 and 5.9.10"

### 5.9.3 Lot Area

- **5.9.3.1** Residential - minimum of 30,000 square feet
- **5.9.3.2** All other permitted uses - minimum of 40,000 square feet

### 5.9.4 Frontage

- **5.9.4.1** Residential - minimum of 150 feet
- **5.9.4.2** All other permitted uses - minimum of 200 feet

### 5.9.5 Minimum Yard Depths

- **5.9.5.1** Setback from normal high water mark - 75 feet
- **5.9.5.2** Other yard depths;
  - **5.9.5.2.1** Without public sewer:
    - **5.9.5.2.1.1** Front yard - 30 feet
    - **5.9.5.2.1.2** Side yard - 15 feet
    - **5.9.5.2.1.3** Back yard - 30 feet
5.9.5.2.2 With public sewer:

5.9.5.2.2.1 Front yard - 20 feet
5.9.5.2.2.2 Side yard - 12 feet
5.9.5.2.2.3 Rear yard - 20 feet

5.9.6 Maximum Height of Buildings

5.9.6.1 Principal use 35 feet
5.9.6.2 Accessory buildings 35 feet

5.9.7 Maximum Lot Coverage

20%

5.9.8 Performance Standards

Permitted uses and uses permitted by special exception shall conform to the performance standards described in "Article 6" of this Ordinance.
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<td>Yes</td>
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5.9.10 Other Uses

5.9.10.1 Similar Uses

5.9.10.1.1 Uses similar to allowed uses requiring a CEO permit are allowed with CEO approval.

5.9.10.1.2 Uses similar to allowed uses requiring PB approval are allowed with Planning Board approval.

5.9.10.2 Earthmoving

5.9.10.2.1 <10 cubic Yards is allowed in all shoreland districts but requires PB (Planning Board) approval in SRP zones.

5.9.10.2.2 >10 cubic yards requires PB approval.

5.9.10.3 Signs

Signs are allowed in all districts but refer to "Article 6.21" of the performance standards for additional information.
5.10 Shoreland General Development (SGD)

The General Development District includes areas devoted to commercial, industrial, or intensive recreational activities or a mix of such activities. Portions of the district may also include residential development.

5.10.1 Permitted Uses
See "Sections 5.10.9 and 5.10.10"

5.10.2 Special Exceptions
Those uses which require a Planning Board permit are construed to be special exceptions. See "Sections 5.10.9 and 5.10.10"

5.10.3 Lot Area

5.10.3.1 Residential - minimum of 30,000 square feet

5.10.3.2 All other permitted uses - minimum of 40,000 square feet

5.10.4 Frontage

5.10.4.1 Residential - minimum of 150 feet

5.10.4.2 All other permitted uses - minimum of 200 feet

5.10.5 Minimum Yard Depths

5.10.5.1 Setback from normal high water mark

5.10.5.1.1 No setback for functionally water - dependent uses

5.10.5.1.2 25 foot setback for all other uses
5.10.5.1.3 Other yard depths

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Front Yard Depth</th>
<th>Side Yard Depth</th>
<th>Rear Yard Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Family Dwelling</td>
<td>20</td>
<td>7</td>
<td>20</td>
</tr>
<tr>
<td>2 Family Dwelling</td>
<td>20</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>Multiple Dwelling less than 3 Stories</td>
<td>20</td>
<td>15</td>
<td>30</td>
</tr>
<tr>
<td>Multiple Dwelling 3 Stories</td>
<td>20</td>
<td>30</td>
<td>40</td>
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<tr>
<td>All Other Uses</td>
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<td>20</td>
<td>35</td>
</tr>
</tbody>
</table>

5.10.6 Maximum Height of Buildings

5.10.6.1 Principal use 35 feet

5.10.6.2 Accessory buildings 35 feet

5.10.6.3 In the Shoreland General Development (SGD) zone building height may be measured from the original grade down-slope or from the base flood elevation.

5.10.7 Maximum Lot Coverage

70%

5.10.8 Performance Standards

Permitted uses and uses permitted by special exception shall conform to the performance standards described in "Article 6" of this Ordinance.
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5.10.10.2.2 >10 cubic yards requires PB approval.

5.10.10.3 Signs

Signs are allowed in all districts but refer to "Article 6.21" of the performance standards for additional information.
5.11 Commercial Fisheries/Maritime Activities (CFMA)

This district includes areas where the existing predominant pattern of development is consistent with the allowed uses for this District.

5.11.1 Permitted Uses

See "Sections 5.11.9 and 5.11.10"

5.11.2 Special Exceptions

Those uses which require a Planning Board permit are construed to be special exceptions. See "Sections 5.11.9 and 5.11.10"

5.11.3 Lot Area

5.11.3.1 Residential - not permitted

5.11.3.2 Permitted uses - No Minimum area required

5.11.4 Frontage

5.11.4.1 All permitted uses - Minimum of 200 feet

5.11.5 Minimum Yard Depths - (Setback from normal high water mark)

5.11.5.1 None for functionally water-dependent uses

5.11.6 Maximum Heights of Buildings

5.11.6.1 Principal use 35 feet

5.11.6.2 Accessory buildings 35 feet

5.11.7 Maximum Lot Coverage

70%

5.11.8 Performance Standards

Permitted uses and uses permitted by special exception shall conform to the performance standards described in "Article 6" of this Ordinance.
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A. dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
B. draining or otherwise de-watering;
C. filling, including adding sand or other material to a sand dune; or
D. any construction or alteration of any permanent structure.

5.11.10 Other Uses

5.11.10.1 Similar Uses

5.11.10.1.1 Uses similar to allowed uses requiring a CEO permit are allowed with CEO approval.

5.11.10.1.2 Uses similar to allowed uses requiring PB approval are allowed with Planning Board approval.

5.11.10.2 Earthmoving

5.11.10.2.1 <10 cubic Yards is allowed in all shoreland districts but requires PB (Planning Board) approval in SRP zones.

5.11.10.2.2 >10 cubic yards requires PB approval.

5.11.10.3 Signs

Signs are allowed in all districts but refer to "Article 6.21" of the performance standards for additional information.
5.12 Commercial Fisheries/Maritime Activities and Education (CFMAE)

This district is similar to the CFMA district with the addition of two specified residential uses: dormitory space for maritime education/research facilities and live-in security personnel at boat storage yards.

5.12.1 Permitted Uses
See "Sections 5.12.9 and 5.12.10".

5.12.2 Special Exceptions
Those uses which require a Planning Board permit are construed to be special exceptions. See "Sections 5.12.9 and 5.12.10".

5.12.3 Lot Area

5.12.3.1 Residential - 30,000 square feet
5.12.3.2 All other permitted uses - No Minimum area required

5.12.4 Frontage

5.12.4.1 All permitted uses - Minimum of 200 feet

5.12.5 Minimum Yard Depths - (Setback from normal high water mark)

5.12.5.1 None for functionally water-dependent uses
5.12.5.2 75 feet for allowed residential uses

5.12.6 Maximum Heights of Buildings

5.12.6.1 Principal use 35 feet
5.12.6.2 Accessory buildings - 35 feet

5.12.7 Maximum Lot Coverage
70%

5.12.8 Performance Standards

Permitted uses and uses permitted by special exception shall conform to the performance standards described in "Article 6" of this Ordinance.
### Table of Land Uses (CFMAE)

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<td>Surveying and resource analysis</td>
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<td>Yes</td>
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<td>Principal structures and uses</td>
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</tr>
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</tr>
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<td>Multi-unit residential</td>
<td>PB&lt;sup&gt;1&lt;/sup&gt;</td>
</tr>
<tr>
<td>Commercial</td>
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</tr>
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<td>Municipal Building</td>
<td>PB</td>
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<td>Yes</td>
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<td>Structure accessory to allowed uses.</td>
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<td>Piers, docks, wharves, bridges, and other structures and uses extending over or below the normal high-water line or within a wetland</td>
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<tr>
<td>Conversions of seasonal residences to year-round residences.</td>
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<td>Private sewage disposal systems for allowed uses.</td>
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<td>PB</td>
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<td>Service drops, as defined, for allowed uses.</td>
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<tr>
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<td>Campgrounds</td>
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<td>Marinas</td>
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</table>
5.12.9.1 Notes & Footnotes For Table of Land Uses

<p>| | |</p>
<table>
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B. draining or otherwise de-watering;
C. filling, including adding sand or other material to a sand dune; or
D. any construction or alteration of any permanent structure.

5.12.10 Other Uses

5.12.10.1 Similar Uses

5.12.10.1.1 Uses similar to allowed uses requiring a CEO permit are allowed with CEO approval.

5.12.10.1.2 Uses similar to allowed uses requiring PB approval are allowed with Planning Board approval.

5.12.10.2 Earthmoving

5.12.10.2.1 <10 cubic Yards is allowed in all shoreland districts but requires PB (Planning Board) approval in SRP zones.

5.12.10.2.2 >10 cubic yards requires PB approval.

5.12.10.3 Signs

Signs are allowed in all districts but refer to "Article 6.21" of the performance standards for additional information.
5.13 Harbor District (HD)

This district encompasses the traditional downtown which is an intensive mix of uses in a very small geographic area. The development patterns in this district were established during the early 1800's and perpetuated through time. The unique flavor which is Eastport developed from the small, commercial and industrial parcels which comprise much of this section of the City. Interspersed among these are many of the early residential buildings which tend to be clustered on compact lots along the bolder sections of the shoreline. The Harbor District is intended to protect and nurture these traditional development patterns. The Historic District is an overlay in part of this district, as is the Downtown Business District.

5.13.1 Permitted Uses

See "Sections 5.13.9 and 5.13.10"

5.13.2 Special Exceptions

Those uses which require a Planning Board permit are construed to be special exceptions. See "Sections 5.13.9 and 5.13.10"

5.13.3 Lot Area

5.13.3.1 Residential - 30,000 square feet for newly created lots

5.13.3.2 All water-dependent Uses - No minimum area required

5.13.3.3 All Other Permitted Uses - 40,000 sq. ft. for newly created lots

5.13.4 Frontage

5.13.4.1 All newly created lots - Minimum of 200 feet

5.13.5 Minimum Yard Depths - (Setback from normal high water mark)

5.13.5.1 None for functionally water-dependent uses

5.13.5.2 25 feet for allowed residential uses
### 5.13.5.3 All other yard depths

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Front Yard Depth</th>
<th>Side Yard Depth</th>
<th>Rear Yard Depth</th>
</tr>
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<tbody>
<tr>
<td>1 Family Dwelling</td>
<td>20</td>
<td>7</td>
<td>20</td>
</tr>
<tr>
<td>2 Family Dwelling</td>
<td>20</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>Multiple Dwelling less than 3 Stories</td>
<td>20</td>
<td>15</td>
<td>30</td>
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<td>20</td>
<td>30</td>
<td>40</td>
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<td>All Other Uses</td>
<td>20</td>
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<td>35</td>
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#### 5.13.6 Maximum Heights of Buildings

- **5.13.6.1** Principal use 35 feet
- **5.13.6.2** Accessory buildings 35 feet

#### 5.13.7 Maximum Lot Coverage

- **5.13.7.1** 70% for non-historic structures
- **5.13.7.2** 100% for structures in the overlay Historic zone

#### 5.13.8 Performance Standards

Permitted uses and uses permitted by special exception shall conform to the performance standards described in "Article 6" of this Ordinance.
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5.13.10.2.2 >10 cubic yards requires PB approval.

5.13.10.3 Signs

Signs are allowed in all districts but refer to "Article 6.21" of the performance standards for additional information.
5.14 Historical Designated District (HDD) (an overlay zone)

The intent of the Local Historic District provisions is to preserve and protect important historic structures, sites, and landmarks in the City of Eastport. The Historic District functions as an "overlay zone" for certain residential and commercial areas of the City. That is, the Historic District requirements must be met in addition to the district restrictions of its basic zoning designation (R1, R2, B1, etc).

5.14.1 Boundaries

See "Appendix C" for the boundaries of any Local Historic District(s) as depicted on the official Historic District map and Historic District List.

5.14.2 Historic Review Board

5.14.2.1 Establishment of Historic Review Board

A Historic Review Board, hereinafter referred to as "the Board," is hereby established which shall consist of five members appointed by the City Council. Members of the Board shall be residents of the City of Eastport and should demonstrate an interest in the historical and architectural development of the City, and shall be appointed with due regard to the proper representation of such fields as history, architectural history, architecture, archaeology, law and building construction to the extent that such professionals are available in the community. Consideration shall be given to one member being a resident of a City-designated historic district. A municipal officer may not be a member of the Board.

5.14.2.2 Term of Office

The term of office shall be three years, except that the initial appointment shall be staggered so that subsequent appointments shall not recur at the same time. The City Council shall act within sixty days to fill a vacancy, including expired terms.

5.14.2.3 Officers

The members of the Board shall choose officers who shall serve one-year terms as chairperson, vice-chairperson, and secretary. The chairperson shall preside at all meetings of the Board. The vice chairperson shall perform the duties in the chairperson's absence. The secretary shall maintain a permanent record of all Board proceedings, any actions taken, and all correspondence of the Board. All records maintained or prepared by the secretary are deemed public information and shall be kept at City Hall where they may be inspected during regular business hours.
5.14.2.4 Authorization

The Board shall be authorized to review alterations, relocation's, and demolition of designated historic properties under its jurisdiction. The Board shall review all new construction affecting historic properties and/or districts within its jurisdiction to determine if locally listed historic sites will be adversely affected.

5.14.2.5 Jurisdiction

The boards' jurisdiction shall be limited to Historic Districts. When issuing Certificates of Appropriateness, the Board shall be concerned with those elements of development, redevelopment, rehabilitation, and/or historic preservation that affect the visual quality of the historic district. They shall not consider detail design of interior arrangements or building features not subject to public view nor shall they make any requirement except for the purpose of preventing development or demolition not consistent with the historic districts surroundings.

5.14.2.6 Legal and Professional Assistance

The Board, subject to the City Council's prior consent, shall have the right to retain and pay for the services and expenses of professional help required in carrying out the purposes of this ordinance, and may submit reports and recommendations as to such matters to the City Council. In making such investigations and studies, the Board may hold such public hearings as it may deem necessary or appropriate.

5.14.2.7 Meetings

All meetings of the Board must be publicly announced, open to the public, and have a previously posted agenda. Public notice must be provided prior to any special meetings.

5.14.3 Classification of Properties

Within a Historic District all buildings and structures shall be classified and designated as shown on the Historic Map and Local Historic District List. All buildings and structures shall be divided into two classes.

5.14.3.1 Historic Buildings and Structures

Those buildings classified as historic shall possess identified historic architectural merits of a degree warranting their preservation.
5.14.3.2 Contributing Buildings and Structures

Any buildings and structures not classified as historic shall be deemed contributing buildings and structures. This provision allows the presence within a local historic district of buildings and structures which are not themselves recognized as historically significant.

5.14.4 Establishment of Historic Districts

Upon a recommendation for establishment of a Local Historic District by the Review Board, and after Planning Board review, the City Council shall, within thirty days of the written recommendation, hold a public hearing preceded by sufficient written notice (certified mail) to the owners and occupants of the affected properties. After the hearing, the Council shall have thirty days to decide if they will adopt a resolution designating one or more historic buildings and/or structures by utilizing the following criteria.

5.14.4.1 historic architectural and cultural significance;
5.14.4.2 suitability for preservation or restoration;
5.14.4.3 educational value;
5.14.4.4 the criteria developed by the Department of Interior as guidelines for placement in the National Register of Historic Places (See "Appendix C")
5.14.4.5 Upon adoption of the resolution, the owners and occupants of each designated historic landmark shall be given written notification (certified mail) of such designation by the Council.
5.14.4.6 One copy of the resolution shall be filed by the Board in the Washington County Registry of Deeds.
5.14.4.7 Once a neighborhood, block, or portion of a block has been designated as a Local Historic District by City Council, all properties within that Historic District shall conform to the provisions of this section.

5.14.5 Permitted Structures and Uses

These shall be defined according to the basic Zoning District within which the particular parcel lies, but subject also to the provisions of this section.
5.14.6 Certificate of Appropriateness

In a Local Historic District, a Certificate of Appropriateness from the Board shall be required for any of the following;

5.14.6.1 Any demolition of an historic building or structure;
5.14.6.2 Any moving of an historic building or structure;
5.14.6.3 Any material change in the exterior appearance of existing historic buildings by additions, reconstruction, or alteration if subject to view from a public street.
5.14.6.4 Any new construction of a building or accessory structure subject view from a public street or public walkway.
5.14.6.5 Any change in existing walls and fences, or construction of new walls and fences, if along public streets, rights-of-way, or public walkways.
5.14.6.6 Any addition or removal or material alteration of any type of exterior advertising sign or notice.
5.14.6.7 Any material change in the exterior appearance of existing contributing buildings by addition, reconstruction, or alteration subject to view from a public street.

5.14.7 Development Standards

Any building or structure classified as historic (or any part thereof), including but not limited to walls, fences, light fixtures, steps, paving, and signs shall only be moved, reconstructed, altered, or maintained in a manner that will preserve its historic and architectural character

5.14.7.2 Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any landmark which does not involve a change in design, material, color, or outer appearance thereof.
5.14.7.2 Nothing in this ordinance shall prevent the construction, reconstruction, alteration, restoration, or demolition of any such feature which the City Council certify is required by the public safety because of an unsafe dangerous condition.
5.14.7.4 Rehabilitation and Construction Standards

In evaluating proposed new construction, alterations, or demolition within an Historic District, the Board shall use the following general standards;

5.14.7.4.1 Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or use of a property for its originally intended purpose.

5.14.7.4.2 The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided if possible.

5.14.7.4.3 All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

5.14.7.4.4 Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5.14.7.4.5 Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

5.14.7.4.6 Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event replacement is necessary, accurate duplications of features substantiated by historic, physical, or pictorial evidence should be considered. New materials should match material being replaced in composition, design, color, texture, and other visual qualities to the greatest extent possible.

5.14.7.4.7 The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall be undertaken with great care.

5.14.7.4.8 Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
5.14.7.4.9 Contemporary design for new construction, alterations, and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment. Refer to "Keeping up Appearances, Main Street Storefront Guidelines" in "Appendix C."

5.14.7.4.10 Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

5.14.7.4.11 The Board will review all new construction plans within historic districts in order to ensure visual compatibility with the surrounding buildings and environment in relation to height, gross volume, proportion, and setback.

5.14.7.4.12 All signs shall be in keeping with the character of the historic district or building.

5.14.7.5 Maintenance and Repair Required

Neither the owner of nor person in charge of a structure within an historic district, or of an historic structure or landmark shall permit such structure or landmark to fall into a state of disrepair which may result in the deterioration of any exterior appurtenances or architectural feature so as to produce or tend to produce, in the judgment of the Board, a detrimental effect upon the character of the historic district as a whole or the life and character of the historic landmark or structure in question, or which could lead to a claim that demolition is necessary for public safety, including but not limited to;

5.14.7.5.1 The deterioration of exterior walls or other vertical supports;

5.14.7.5.2 The deterioration of roofs or other horizontal members;

5.14.7.5.3 The deterioration of exterior chimneys;

5.14.7.5.4 The deterioration or crumbling of exterior mortar;

5.14.7.5.5 The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.

5.14.7.5.6 The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.
5.14.7.6 Removal or Demolition

5.14.7.6.1 Whenever a property owner shows that a building classified as historic is incapable of earning a fair economic return on its value, as appraised by a certified real estate appraiser, and the Review Board disapproves the issuance of a Certificate of Appropriateness permitting its demolition, such building may be demolished; provided, however, that before a demolition permit is issued, six months notice of proposed demolition shall be given. The owner shall be required to make every reasonable effort to sell the property during this period. Minimally, the owner shall put a sign on the building advertising its sale. A sales ad shall be placed in a newspaper of local circulation at least once a month for the six month period. If no purchase and sales agreement is made within the stipulated time period, the Board shall issue a Certificate of Appropriateness for demolition or removal. The Board may at any time during the stay of demolition approve a Certificate of Appropriateness in which event a demolition permit shall be issued without further delay.

5.14.7.6.2 The purpose of this section is to further the purposes of this ordinance by preserving historic buildings which are important to the education, culture, traditions, and the economic values of the City, interested persons, historic societies or organizations, the opportunity to acquire or to arrange for preservation of such buildings.

5.14.7.7 Negotiation to Avoid Demolition

5.14.7.7.1 During the above-mentioned six-month period, the Board may negotiate with the owner of the property and with any other parties in an effort to find a means of preserving the property. Such negotiations may include condemnation proceedings, recommendations of tax rebates for the property to appropriate agencies to encourage preservation, recommendation for an historic easement pursuant to the following paragraph of this ordinance, or inducements to interested third parties to purchase the property for the purpose of preserving it.

5.14.7.8 Site Maintenance

Vacant lots, demolition sites, and courtyards are to be maintained in order to promote the health, safety, and welfare of the public. Minimum standards for such maintenance are as follows;

5.14.7.8.1 Demolition Sites - In the event of demolition within a local historic district, all rubble will be removed from the site. Any salvageable materials will be removed to a separate storage site. Any excavations will be filled and the site will be graded.
5.14.7.8.2 Fencing - If fencing is required around any portion of a vacant lot or demolition site for the purpose of public safety, such fencing shall be constructed of painted plywood at least eight feet high or chain link fence with wind barrier strips.

5.14.7.8.3 Landscaping - Uncovered ground on vacant lots and courtyards should be planted with grass or other groundcover to prevent erosion.

5.14.7.8.4 General Maintenance - Vegetated areas should be mowed or otherwise maintained. Trash and debris should be picked up to maintain a neat, attended appearance.

5.14.8 Acquisition of Historic Easements

5.14.8.1 The City may acquire, by purchase, donation, or condemnation, historic easements in any area within its jurisdiction wherever and to the extent that the City Council, upon the recommendation of the Board, determines that the acquisition will be in the public interest. For the purpose of this section, the term "historic easement" means any easement, restriction, covenant, or condition running with the land, designated to preserve, maintain, or enhance all or part of the existing state of places of historic, archeological, architectural, or cultural significance.

5.14.9 Appeals

5.14.9.1 Any party adversely affected by a decision of the Historic Review Board, may within 30 days of the decision, file an appeal with the Eastport Zoning Board of Appeals. The applicant may appeal a decision of that board in accordance with "Rule 80-B of the Maine Rules of Civil Procedure."

5.14.10 Violations and Penalties

5.14.10.1 Refer to "Sections 7.10 and 7.11" of this ordinance.

5.14.11 Injunctions

5.14.11.1 Whenever any person has engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of this ordinance, the Board, with City Council approval, may make application to the Superior Court for an order enjoining such act or practice, or requiring such person to refrain from such prospective violation or to remedy such violation by restoring the affected property to its previous condition. Upon showing by the Board that such person has engaged or is about to engage in any such act or practice, a permanent or temporary injunction, restraining order or other appropriate order shall be granted without bond.
5.14.12 Suggested Performance Standards

See "Appendix C" for a list of all buildings within the Local Historic District and Historic District Map. The following recommended aids in interpreting and administering this ordinance are included as part of "Appendix C" and are available at City Hall.

5.14.12.1 "Keeping up Appearances, Storefront Guidelines; published by The National Trust for Historic Preservation."

5.14.12.2 "Department of the Interior Guidelines for Rehabilitating Historic Storefronts."

5.14.12.2 "Secretary of the Interior's Standards for Rehabilitation."
ARTICLE 6 - PERFORMANCE STANDARDS

This ordinance and the accompanying official zoning map shall be known and cited as permitted uses and uses permitted by special exceptions for any and all Districts shall conform to these performance standards, as applicable.

6.1 Accessory Building

6.1.1 Non-shoreland districts, no garage or other accessory building shall be located in the required front yard. When located to the rear of the main building, the accessory building shall be set back at least three feet from the side or rear lot lines.

6.1.2 Shoreland Districts, accessory buildings shall meet the same setback from the high water mark as principal structures. The setback provision shall not apply to structures which require direct access to the water as an operational necessity nor to functionally water-dependent uses.

6.2 Agriculture

The following standards shall apply to the practice of agriculture within the City of Eastport. Please consult the definition of "agriculture" in Article 2 of this ordinance.

6.2.1 All spreading or disposal of manure or fish wastes shall be accomplished in accordance with the "Maine Guidelines for Manure and Manure Sludge Disposal on Land published by the University of Maine and Water Conservation Commission in July, 1972, as amended."

6.2.2 Agricultural activities involving tillage of soil greater than forty thousand square feet in area, or the spreading, disposal or storage of manure within the shoreland shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provision of said plan shall be considered to be a violation of this ordinance.

6.2.3 There shall be no new tillage of soil within seventy-five feet, horizontal distance, from the shoreline, nor within twenty-five feet, horizontal distance, of tributary streams or wetlands.

6.2.4 After the effective date of this Ordinance, newly-established livestock grazing areas shall not be permitted within seventy-five feet, horizontal distance, of the shoreline, nor within twenty-five feet, horizontal distance, of tributary streams or wetlands.
6.3 Archaeological Sites

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

6.4 Automobile Graveyards and other Junkyards

6.4.1 No automobile junkyards shall be established, operated, or maintained without first obtaining a non-transferable permit from the Eastport City Council. The permit shall be valid Until January 1 of the following year.

6.4.2 Before granting a permit, the City Council shall hold a public hearing.

6.4.3 No Permit shall be granted for an automobile graveyard within 600 feet of the nearest edge of the right-of-way of any highway. This may be waived if the proposed junkyard site is completely screened from the highway by a natural height of land.

6.4.4 Any automobile graveyard shall be screened by plantings or fences of at least 6 feet in height and acceptable to the City Council. City Council may also stipulate other reasonable requirements and conditions relating to the siting, operation, and use of an automobile graveyard. These conditions may be attached to the permit.

6.4.5 Permit fees may be assessed as prescribed by the "MRSA as amended," and shall be payable in advance together with reasonable costs for publishing and posting the public notice. The applicant shall also be required to post a bond sufficient in value to cover the City's costs for cleaning up the site should this become necessary. The bond amount shall be reviewed each year on issuing a new permit, and may be changed as appropriate.

6.4.6 All other provisions of the "MRSA on automobile graveyards and junkyards Chapter 183, Title 30-A, as amended," shall be observed.

6.5 Beach Construction

Any construction which extends below the high-water mark requires a permit from appropriate State and/or Federal agencies.
6.6 Campgrounds

Please consult the definition of "campground" in "Article 2" of this ordinance. Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following.

6.6.1 Campgrounds shall contain a minimum of five thousand square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation and the land below the normal high-water line of a waterbody shall not be included in calculating land area per site.

6.6.2 The areas intended for placement of a recreational vehicle, tent, or shelter, and utility and service buildings shall be set back a minimum of seventy-five feet from the normal high-water line or the upland edge of a wetland.

6.7 Clearing of Vegetation for Development

Clearing of trees and conversion to other vegetation is permitted for approved construction and landscaping in non-shoreland districts. In shoreland districts, different regulations apply. Except to allow for development of permitted uses, within a strip of land extending seventy-five feet, horizontal distance, from the high-water line, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows.

6.7.1 There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a foot path not to exceed ten feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created.

6.7.2 Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other vegetation is maintained. For the purposes of this section a "well distributed stand of trees and other vegetation" is defined as maintaining a minimum rating score of 8 per 25 square foot area using the following rating system.

<table>
<thead>
<tr>
<th>Diameter of tree at four and one-half feet above ground level.</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 - 4 inches in diameter</td>
<td>1</td>
</tr>
<tr>
<td>4 - 12 inches in diameter</td>
<td>2</td>
</tr>
<tr>
<td>greater than 12 inches in diameter</td>
<td>4</td>
</tr>
</tbody>
</table>

6.7.3 Not withstanding the above provisions, no more than forty percent of the total volume of trees four inches or more in diameter, measured at four and one-half feet above ground level may be removed in any ten year period.
6.8 Conversion of Dwellings

6.8.1 The conversion of any building into a dwelling, or the conversion of any dwelling so as to increase the number of dwelling units shall be permitted only if a new building for similar occupancy would be permitted in the particular district, and only when the resulting dwelling unit or units will comply with the parking and side yard requirements for new construction in the particular district and with all provisions of the shoreland sections of this ordinance, if applicable.

6.8.2 Conversion of any existing structure for use by more than six families or any conversion which would result in one or more dwelling units containing less than 500 square feet shall be permitted only on authorization of the Board of Appeals.

6.9 Elevation of Buildings Above Flood Level

All land uses and building construction within the "Designated Flood Zones" shall comply with the requirements of the "Eastport Floodplain Management Ordinance."

6.10 Erosion and Sedimentation Control

6.10.1 All activities which involve filling, grading, excavation or similar projects which result in un-stabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

6.10.1.1 Mulching and re-vegetation of disturbed soil;

6.10.1.2 Temporary runoff control features such as hay bales, silt fences or diversion ditches;

6.10.1.3 Permanent stabilization structures such as retaining walls or rip rap.

6.10.2 In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

6.10.3 Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbances, 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.
6.10.4 Any exposed ground area shall be temporarily or permanently stabilized within one 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 months of the initial date of exposure. In addition:

6.10.4.1 Where mulch is used, it shall be applied at a rate of at least one bale per 500 square feet and shall be maintained until a catch of vegetation is established.

6.10.4.2 Anchoring the mulch with pegging, netting and twine or other suitable method may be required to maintain the mulch.

6.10.4.3 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.

6.10.5 Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a 25 year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

6.11 Essential Services

Please refer to definition of "essential services" in "Article 2" for further information.

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

6.11.2 The installation of essential services is not permitted in the SRP districts 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.

6.12 Fences

Fences, walls, and similar boundary structures for side and back property lines shall not exceed seven feet in height. Fences and walls for front property lines shall not exceed four feet in height. Higher fences may be permitted by approval of the CEO. Fences and walls shall be constructed of materials such as wood, brick, concrete or wire, and shall be designed and constructed so as to present a finished, neat appearance on the street side or to an adjacent property.
6.13 Filling Grading or Other Earth Moving

The following provisions shall apply to filling, grading, lagooning, dredging, excavation, processing and storage of soil, earth, loam, sand, gravel, rock and other mineral deposits. Filling, grading, lagooning, dredging, and other earth-moving activity which would result in sedimentation, erosion, or impairment of water quality or fish and aquatic life is prohibited.

6.13.1 Earth-moving not Requiring an Earth-moving permit. The following earth moving activities shall be allowed without an earth-moving permit.

6.13.1.1 The removal or filling of material incidental to construction, alteration or repair of a building or in the grading and landscaping incidental thereto;

6.13.1.2 The removal or filling of less than fifty cubic yards of material from or on any lot in any one year (ten cubic yards in shoreland district);

6.13.1.3 The removal, filling, or transfer of material incidental to construction, alteration or repair of a public or private way or essential service.

6.13.2 Earth-moving Requiring an Earth-moving Permit.

6.13.2.1 All other earth-moving, processing and storage shall require an earthmoving permit issued by the Code Enforcement Officer.

6.13.3 Application for Permit. Application for a permit for excavation, processing and storage of soil, loam, gravel, rock and other mineral deposits shall be accompanied by a plan which accurately shows existing and proposed conditions. The CEO may request that the plan be developed by a professional architect or engineer. The plan shall show:

6.13.3.1 The name and current address of the owner of the property involved;

6.13.3.2 The location and boundaries of the lot or lots for which the permit is requested;

6.13.3.3 The existing contours of the land within the property, shown in five foot contour intervals or less (the CEO may request that five foot contours be shown for a 50 foot distance beyond the boundaries of the property if surrounding properties are likely to be impacted);

6.13.3.4 The contours as proposed following completion of the operation, shown in five foot contour intervals or less.

6.13.3.5 The location of all proposed access roads and temporary structures;
6.13.3.6 The proposed provisions for drainage and erosion control;

6.13.3.7 Other information necessary to indicate the physical characteristics of the proposed operation.

6.13.4 Conditions of Permit

6.13.4.1 The performance standards relating to erosion and sedimentation must be followed as part of the permit. The extent and type of fill shall be appropriate to the use intended. The applicant shall specify the type and amount of fill to be used.

6.13.4.2 With the exception of earth-moving not requiring a permit as specified in 6.11 no below grade excavation except for drainage ways shall be allowed within fifty feet of any lot line or public road.

6.13.4.3 Topsoil or loam shall be restored to a depth of not less than four inches.

6.13.4.4 The CEO may impose other reasonable conditions relating to methods of removal, hours of operation, routes for transporting material, cleaning, and repair of streets used in removal activity, and the like.

6.13.5 Surety and Terms of Permit

6.13.5.1 When issuing a permit for earth moving activities, the CEO may require a bond or other security to ensure compliance with any conditions imposed.

6.13.5.2 A permit shall be valid for a reasonable period of time, but not longer than three years.

6.13.5.3 A permit may be renewed for additional periods.

6.13.6 Existing Operations

6.13.6.1 Discontinuance of any existing operation for a period of more than one year shall require application for a new permit.

6.13.6.2 Continuation of any existing operation for more than three years shall require a permit from the CEO.

6.14 Individual Private Campsites

Please consult the definition of "Individual Private Campsite" in Article 2 of this ordinance. Individual, private campsites not associated with campgrounds are permitted provided the following conditions are met:
6.14.1 One campsite per lot existing on the effective date of this ordinance, or thirty thousand square feet of lot area within the shoreland zone, whichever is less, may be permitted.

6.14.2 Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back 75 feet, horizontal distance, from the normal high water line or the upland edge of a wetland.

6.14.3 Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structures except canopies shall be attached to the recreational vehicle.

6.14.4 The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand square feet.

6.14.5 A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

6.14.6 When a recreational vehicle, tent, or similar shelter is placed on-site for more than 120 days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

6.15 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 square feet of ground surface. A permit from the CEO shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled, or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety. Mineral extraction may be permitted under the following conditions:

6.15.1 Except in Districts RR and I, quarrying and sand and gravel pits, are expressly prohibited within the corporate limits of the City of Eastport.

6.15.2 In Districts RR and I, conditions may be imposed which are necessary to minimize the adverse impacts associated with, such mineral extraction's.
6.16 Mobile Home Parks

Mobile home Parks shall comply with the rules and regulations of Title 30-A Section 4358, ss.3.

6.17 Off Street Parking and Loading

6.17.1 Basic Requirements

In any district, no permitted use of a property shall be authorized or extended, and no building or structure shall be constructed or enlarged, unless there is provided off-street automobile parking space within three hundred feet of the principal building, structure, or use of the property. Parking areas shall conform with the following schedule of parking requirements. An area of two hundred square feet appropriate for the parking of an automobile, exclusive of maneuvering space, shall be considered as one off-street parking space. No required parking space shall serve more than one use. No off-street parking facility shall have more than two entrances or exits on the same street, and no entrance or exit shall exceed 33 feet in width. Parking areas with more than two parking spaces shall be arranged so that vehicles can be turned around within such areas and are prevented from backing into the street. For parking areas for more than five vehicles, a plan showing layout, lighting, buffer areas, etc. shall be presented to the Planning Board for review and approval.

6.17.2 Schedule of Minimum Off-Street Parking Requirements

6.17.2.1 Two spaces per dwelling unit.

6.17.2.2 One space for each sleeping room in a tourist home, boarding or lodging house, motel or hotel, plus a minimum of two spaces for the dwelling unit for the owner or manager, except that the number of required parking spaces established by Federal and State Regulations for elderly and family type housing may be accepted with the approval of the Planning Board.

6.17.2.3 One space for each tent or recreational vehicle site in a campground.

6.17.2.4 One space for each six beds for other institutions devoted to the board, care, or treatment of persons, plus one space for each person employed on the largest shift.
6.17.2.5 One space for each three hundred fifty (350) square feet or fraction thereof, of floor area of any retail, wholesale, or service establishment, office, or professional building. The Planning Board may waive this requirement in the Downtown Business District if adequate municipal parking is available.

6.17.2.6 One space for each three seats, permanent or otherwise, for patron use in restaurants and other places serving food or beverages, and for theaters, auditoriums, and other places of amusement or assembly. The Planning Board may waive this requirement in the Downtown Business District if adequate municipal parking is available.

6.17.2.7 One space for each person employed or anticipated to be employed on the largest shift for all types of commercial, industrial, institutional or other permitted uses.

6.17.2.8 Adequate spaces shall be provided to accommodate customers, patrons, and employees at automobile service stations, drive-in establishments, open air retail businesses and amusements and other permitted uses not specifically enumerated. The Board of Appeals shall determine these requirements on a case-by-case basis.

6.17.3 Off-Street Loading

In any district where permitted, commercial or industrial uses shall provide, as necessary, off-street loading facilities located entirely on the same lot as the building or use to be served so that trucks, trailers and containers shall not be located for loading, unloading or storage upon any public way. The Planning Board may waive this requirement in the Downtown Business District.

6.17.4 Landscaping Between Non-Residential Parking Areas and Residential Uses

Required Parking and loading spaces for nonresidential uses where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than eight feet in width containing evergreen shrubs, trees, fences, walls, berms, or combinations thereof, forming a visual barrier not less than six feet in height along exterior lot lines adjoining all residential properties, except that driveways shall be kept open to provide visibility for vehicles entering and leaving.
6.18 Piers, Docks and Other Shoreland Construction

In addition to Federal and State permits which may be required for such structures and uses, the following conditions shall apply:

6.18.1.1 Temporary structures which remain in the water for less than seven months in any period of twelve consecutive months require a permit from the CEO.

6.18.1.2 Permanent structures or those which remain in or over the water for seven months or more in any period of twelve consecutive months, require a permit from the Planning Board.

6.18.1.3 Piers and wharves require an on-site public hearing and permission of the City Council.

6.19 Roads and Driveways

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

6.19.1 Roads and driveways shall be set back at least seventy-five feet from the normal high-water line or from 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 feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body or wetland.

6.19.2 On slopes of greater than twenty percent, the road and/or driveway setback shall be increased by ten feet for each five percent increase in slope above twenty percent. This sub-section shall apply neither to approaches to water crossings nor to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline due to an operational necessity.

6.19.3 Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a waterbody.
6.19.4 New roads and driveways are prohibited in a SRP district except to provide access to permitted uses within the District, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line or from the upland edge of a wetland.

6.19.5 Road banks shall be no steeper than a slope of two horizontal to one vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in the sub-section on Erosion and Sedimentation.

6.19.6 Road grades shall be no greater than ten percent except for short segments of less than two hundred feet.

6.19.7 In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line, tributary stream, or upland edge of a wetland. Road surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

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

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

<table>
<thead>
<tr>
<th>ROAD GRADE - %</th>
<th>SPACING - feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 2</td>
<td>250</td>
</tr>
<tr>
<td>3 – 5</td>
<td>200 - 135</td>
</tr>
<tr>
<td>6 – 10</td>
<td>100 - 80</td>
</tr>
<tr>
<td>11 – 15</td>
<td>80 - 60</td>
</tr>
<tr>
<td>16 – 20</td>
<td>60 - 45</td>
</tr>
<tr>
<td>greater than 20</td>
<td>40</td>
</tr>
</tbody>
</table>

6.19.8.2 Drainage dips may be used in place of ditch relief culverts only where the road grade is ten percent or less.
6.19.8.3 On road sections having slopes greater than ten percent, ditch relief culverts shall be placed across the road at approximately a thirty degree angle downslope from a line perpendicular to the centerline of the road.

6.19.8.4 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. (Consult Road Commissioner)

6.19.9 Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

6.20 Septic Waste Disposal

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

6.21 Signs

The following provisions shall apply to signs in all Districts where permitted;

6.21.1 Types and Sizes of Signs

6.21.1.1 Signs related to goods and services sold on the premises and to industrial uses shall be permitted with the following size restrictions:

- Six (6) square feet for signs that are integral with the building;
- Sixteen (16) square feet for signs in Zone B1 (Downtown Business);
- Thirty-Two (32) square feet in Zone B2 (Highway Business);
- Twelve (12) square feet where no other restrictions apply.

No more than two (2) signs allowed per premises or business. Permanent signs not related to goods and services offered on the premises are not allowed.

6.21.1.2 A sign with information on both sides shall be considered one sign.

6.21.1.3 No sign shall exceed twenty feet in height.

6.21.1.4 Signs may be illuminated only by shielded non-flashing lights.
6.21.1.5 Exterior business signs larger than six square feet and integral with the building may be permitted by the Board of Appeals for retail and service businesses, but not for home occupations. In certain zones the Board of Appeals may allow more than two signs per premises under exceptional circumstances.

6.21.1.6 Residential uses may display a single sign not over three square feet in area relating to the sale, rental or lease of the premises.

6.21.1.7 Name signs shall be permitted, provided that such signs shall not exceed two signs per premises or exceed two square feet in area.

6.21.1.8 Signs relating to trespassing or hunting shall be permitted without restriction as to number provided that no such sign shall exceed two square feet in area.

6.21.1.9 Banners, pennants or flags with the words "open", "sale" or similar may be allowed in addition to permitted signs. These items may be placed two per premises, and size restrictions of fifteen square feet apply.

6.21.1.10 Signs relating to public safety shall be permitted without restriction.

6.21.2 Location and Illumination

6.21.2.1 No sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination, or wording the sign may obstruct the view of, or be confused with any authorized traffic sign, signal or device, or otherwise constitute a hazard to pedestrian or vehicular traffic. Advertising devices placed upon public sidewalks shall be located as close to the building as possible, cover not more than twenty-five percent of the width of the sidewalk in question and be displayed only during regular business hours.

6.21.2.2 Flashing, moving or animated signs are prohibited.

6.21.2.3 No sign shall extend or project beyond a street line or other lot line, except that in the B1 District, signs may project a maximum of four feet from a building front.

6.22 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 in the shoreland zone shall require a soils report based on an on-site investigation and prepared by State-certified professionals.

6.23 Storm Water Runoff

The following standards shall apply within the City.

6.23.1 All new construction and development shall be designed to minimize storm water run-off from the site in excess of the natural pre-development conditions. Where possible, existing natural runoff control features, (berms, swales, terraces and wooded areas) shall be retained in order to reduce run-off and encourage infiltration of stormwaters.

6.23.2 Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

6.24 Swimming Pools

All swimming pools, whether private or public, shall conform to the safety Provisions on enclosures in "Title, 22 1631-1635 MRSA as amended."

6.25 Timber Harvesting

In the shoreland district, selective cutting of no more than forty percent of the total volume of trees four inches or more in diameter measured at four and one-half feet above ground level on any lot in any ten year period is permitted. A waiver of the 40% limitation may be granted by the Planning Board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such exemption is necessary for good forest management. Notification of such waivers must be sent to the DEP. In addition:

6.25.1 Within seventy-five feet, horizontal distance, of the normal high-water line, or the upland edge of a wetland, or of a tributary stream, there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing groundcover shall be maintained.

6.25.2 At distances greater than seventy-five feet, horizontal distance, of the normal high-water line or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than ten thousand square feet in the forest canopy. Where such openings exceed five thousand feet, they shall be at least one hundred feet apart. Such clear-cut openings shall be included in the calculations of total volume removal. For the purposes of these standards, volume may be considered to be equivalent to basal area.
6.25.3 No accumulation of slash shall be left within fifty feet of the normal high-water line. In all other areas, slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four feet above the ground. Any debris that falls below the normal high-water line shall be removed.

6.26 Vision Clearance

For a distance of twenty feet from the intersection of any two streets, no wall, fence, sign or other structure and no hedges, trees, or other growth shall be permitted which will materially impede vision between a height of two and one-half feet to ten feet above curb level.

6.27 Water Quality Protection

No activity shall deposit on or into the ground or discharge into 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 waterbody.

6.28 Public Artwork

The City Council may appoint a committee to assist with the selection of public artwork. In issuing a request for proposals, the committee will provide a prospectus detailing requirements for the artwork. The process for selecting public artwork shall include review, as appropriate, by the Planning Board, Zoning Board of Appeals, and the Historic Review Board. The City Council shall make final approval.

Guidelines for the selection of artwork shall include the following criteria: artwork shall reflect the history, spirit, and character of the community; artwork shall be related in terms of scale, material, form, and content to adjacent buildings and landscaping so that it complements the site and surrounding environment; and artwork shall be durable relative to the elements, theft and vandalism, with consideration given to short-term and long-term maintenance.
ARTICLE 7 ADMINISTRATION

7.1 Enforcement

The Ordinance shall be administered and enforced by the CEO who shall be appointed by the City Council and re-appointed annually, before July 1st.

7.2 Permit Required

No person shall, without first obtaining a permit, engage in any structural alteration, activity or use of land or structure requiring a permit in the district in which such activity or use would occur, renew a discontinued use, or expand, change, or replace an existing use or structure. For removal of a structure a demolition permit is required.

7.3 Application for Building or Use Permit

7.3.1 All applications for building or use permits or demolition permits shall be submitted in writing to the CEO on forms provided for the purpose. A building permit application must be signed by the owner of the property or his/her authorized agent. The proposed construction or alteration of building or structure shall comply with all provisions of this Ordinance and with special decisions made by the Board of Appeals or the Planning Board.

7.3.2 If required by the Code Enforcement Officer, a building permit application shall be accompanied by a plan, accurately drawn to an appropriate scale, showing the shape and dimensions of the lot to be built upon, the exact location and size of new buildings to be constructed, and information needed by the CEO, Planning Board, or Board of Appeals to determine whether the provisions of this Ordinance are being observed.

7.3.3 Once a building or use permit or demolition permit application has been filed, the CEO shall approve, deny, or refer to the Board of Appeals and/or the Planning Board within seven business days. This decision shall be in writing on a form designed for the purpose, and shall be sent directly to the applicant. One copy of the CEO’s decision shall be filed in the office.

7.3.4 In cases where the CEO deems that a special exception permit or other special permit is required, a copy of the decision shall be provided to the Board of Appeals or to the Planning Board as appropriate.

7.3.5 Failure of the CEO to issue a written notice of decision to the applicant within 7 business days from the date of filing of the application shall constitute refusal of the application. Once a building permit has been granted, a copy of the permit shall be maintained on the property or project site as soon as construction begins.
7.3.6 After submission of a complete application to the Planning Board, the Board shall, within 35 days, approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

7.3.6.1 Will maintain safe and healthful conditions;

7.3.6.2 Will not result in water pollution, erosion, or sedimentation to surface waters;

7.3.6.3 Will adequately provide for the disposal of all wastewater;

7.3.6.4 Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

7.3.6.5 Will conserve shore cover and points of access to coastal waters;

7.3.6.6 Will protect archaeological and historic resources as designated in the comprehensive plan;

7.3.6.7 Will not adversely affect existing commercial fishing or maritime activities in a CFMA district;

7.3.6.8 Will avoid problems associated with floodplain development and use; and

7.3.6.9 Is in conformance with the provisions of Article 6 Performance Standards.

7.4 If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any State law which the municipality is responsible for enforcing.

7.5 If no substantial construction progress has been made within twelve months of the date the permit was issued, the permit shall expire.
7.6 Plumbing Permit Required

No building permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a valid plumbing permit has been secured by the applicant or his authorized agent in conformance with the sanitary provisions of the State Plumbing Code.

7.7 Permit Fees

Before a building permit is issued, the applicant shall pay a fee as follows:

7.7.1 For construction costs up to $5,000; a fee of $10.00.

7.7.2 For construction costs of more than $5,000; a fee of $10.00 per $5,000 or fraction thereof of estimated construction value.

7.7.3 Estimated construction value shall be determined by the CEO according to the assessment currently in use in the City of Eastport.

7.7.4 Before an earthmoving Permit is issued, the applicant shall pay a fee of $10.00.

7.7.5 Additional activities such as subdividing of land or buildings, floodplain zone permits and airport height restriction permits have an associated fee. These fee schedules are listed in the respective ordinances. The CEO can provide assistance in such matters.

7.7.6 When applications for special permits are submitted to the Zoning Board of Appeals, subsequent to the activity having been commenced or completed, for which the application is being made, the permit fee shall be $250. An additional fee of $250 per year, or part thereof, shall be required beyond the first year of non-compliance. Such fee shall be in addition to the $75 filing fee.

7.7.7 Applications submitted to the Planning Board, for which a public hearing is required, shall be accompanied by a filing fee sufficient to cover the cost of public hearing publication and notices. In no case shall the filing fee be less than $75.

7.7.8 A fee of $50.00 will be charged for applications for Certificate of Appropriateness from the Historic Review Board for work requiring a building permit if the application is made after work has commenced.
7.8 Occupancy Permit

7.8.1 Prior to the occupancy of any new building, the person or organization that received a valid building permit shall secure an occupancy permit from the CEO. The occupancy permit shall state that the new structure conforms to all codes and ordinances of the City. Prior to the issuance of the permit, the CEO shall check to see that all requirements under this ordinance and other City ordinances have been met.

7.8.2 Any person or organization that occupies a new building in the City prior to the issuance of an occupancy permit is in violation of this Ordinance and is subject to its penalties.

7.9 Performance Bonds
In addition to the building permit fee, an applicant may be required to provide a performance bond for construction, use or demolition. Generally the need for a bond shall be determined by possible costs to the City for either granting the use or correcting problems caused by poor performance of the applicant. The need for a performance bond, and the amount thereof, shall be determined by the City Council, Planning Board or the Board of Appeals, as appropriate.

7.10 Violations and Legal Action

7.10.1 When any violation of any provision of this ordinance shall be found to exist, the CEO shall send a written notice to the individual or organization responsible for the violation. In the case of a construction violation the written notice shall be a stop-work order. Upon receiving a stop-work order, the responsible person shall secure any dangerous or unsteady parts of the construction project, and then shall cease all further construction activities.

7.10.2 In the case of violation of the terms of any, special permit or conditional use, the permit shall not be suspended or revoked without a public hearing. Written notice of the hearing shall be sent to the permittee not less than 10 days before the hearing. The notice shall state the time and place of the hearing, and shall also contain a statement of the alleged violation of any condition or restrictions inserted in the permit. After the public hearing, the City Agency which granted the permit shall make a decision within thirty days.

7.10.3 When the above action(s) does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notification from the CEO, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the impositions of fines that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the City. The City Council, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of
this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health or safety or will result in substantial environmental damage.

7.11 Fines

Any person, including but not limited to, a landowner, landowner's agent or a contractor, who orders or conducts any activity in violation of this ordinance shall be penalized in accordance with "Title, 30-A MRSA ss 4452 as amended."
ARTICLE 8 - APPEALS AND SPECIAL PERMITS

8.1 Authority

8.1.1 All appeals or applications for non-shoreland district special exception permits shall be based on a written decision of the CEO, and shall be decided upon by the Board of Appeals in accordance with the provisions of this Ordinance.

8.1.2 Applications for certain special permits, including special exception permits in any shoreland zone and earth moving in the shoreland zone, shall be decided by the Planning Board.

8.1.3 Applications for new construction, alteration, or demolition in any Historic District, shall be decided by the Historic Review Board in conjunction with and with the approval of the Planning Board in accordance with the provisions of this Ordinance. In addition, no building permit for the subdivision of land or structures shall be issued without prior site plan review and approval by the Planning Board.

8.1.4 Applications for changing the Zoning District for any property shall be made to the Planning Board. The Planning Board shall review the application and make its recommendations to the City Council, who will make the final decision on the zoning change request in accordance with the provisions of this Ordinance.

8.2 Board of Appeals

8.2.1 Establishment and Organization

8.2.1.1 A Board of Appeals is hereby established in accordance with "Title 30-A MRSA Section 2691 as amended."

8.2.1.2 The Board of Appeals shall consist of seven members and one associate member, all appointed by the City Council. Members of the Board of Appeals shall be appointed for terms of five years. When a member is unable to act because of conflict of interest, illness, or absence, the associate member shall act in his/her stead. Permanent vacancies shall be filled for the unexpired term of any member who resigns or is removed for cause.
8.2.2 General Procedures

8.2.2.1 The Board of Appeals shall elect a chairman and a secretary from its own membership, and shall adopt rules necessary for the conduct of its business. All deliberations of the Board of Appeals shall be open to the public.

Meetings shall be held at the call of the chairman and at such other times that the Board may determine necessary. The chairman may administer oaths and compel the attendance of witnesses. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, absence or failure to vote, and shall also keep records of its other official actions. These records shall be made public record.

8.2.2.2 Four members of the Board of Appeals shall constitute a quorum. A member who abstains shall not be counted in determining whether a quorum exists. The Board shall act by resolution. The concurring vote of a majority of a quorum of the Board of Appeals shall be necessary to reverse any order or determination of the CEO, or to grant any variance or special exception permit. Requests for appeals, variances, or special exception permits may be of interest to adjacent property owners. If objections in writing signed by at least 10% of the owners of properties within 200 feet of the subject property are presented to the Board of Appeals, a minimum of four votes shall be required for the granting of the appeal, variance, or permit. The Board of Appeals may reconsider any decision within thirty days of its prior decision. The board may conduct additional hearings and receive additional evidence and testimony.

8.2.3 Powers and Duties

8.2.3.1 Administrative Appeals: to hear and decide, where a person or organization appeals a decision made by the CEO, in the enforcement of this Ordinance.

8.2.3.2 Variance Appeals: to hear and decide, upon appeal, in specific cases where a relaxation of the terms of this Ordinance would not be contrary to the public interest and a literal enforcement of this Ordinance would result in unnecessary or undue hardship.
8.2.3.3 The term "undue hardship" shall mean:

8.2.3.3.1 That the land in question cannot yield a reasonable return unless a variance is granted;

8.2.3.3.2 That the need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;

8.2.3.3.3 That the granting of a variance will not alter the essential character of the locality; and

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

8.2.3.4 A variance is not justified unless all elements are present in the case.

8.2.3.5 As used in this ordinance, a variance can be granted only for dimensional requirements. Construction, establishment, or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of non-conforming uses in the Zoning District or uses in adjoining Districts. The Board of Appeals may prescribe conditions and safeguards as are appropriate under this ordinance.

8.2.3.6 A copy of all shoreland variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection within fourteen days of the decision.

8.2.3.7 Special Exception Permits

To hear and decide special exceptions for which the Board has authority under the terms of this Ordinance. An exception may be granted only for a use which is specifically listed in this ordinance as a permitted exception in the district in which the exception is requested, or for uses similar in character to listed uses, and only if the Board is satisfied that the welfare of the zone or neighborhood in which the proposed use or structure is to be located will not be adversely effected. In granting an exception, the Board may require appropriate conditions or safeguards. Violations of such conditions shall be deemed a violation of this Ordinance.
8.2.4 Administrative Appeal Procedure

8.2.4.1 A person aggrieved by a decision of the CEO shall commence his appeal within 30 days after a decision is made by that officer. The appeal shall be filed with the Board of Appeals on forms provided for that purpose, and the aggrieved person shall specifically set forth on the form the grounds for the appeal.

8.2.4.2 An applicant for an administrative appeal shall deposit with the City of Eastport Clerk, at the time of filing the appeal, a deposit of $75.00. The Board of Appeals shall not begin the review process until this deposit has been filed. The $75 deposit shall be refunded to the applicant if the Board of Appeals reverses the decision of the CEO. If the appeal is rejected, however, the applicant shall forfeit the $75.00 deposit.

8.2.4.3 Before taking action on any administrative appeal, the Board of Appeals shall hold a public hearing. The public hearing shall take place within 30 days of the filing of the appeal. The Board shall publish notice at least ten days in advance in a local newspaper.

8.2.4.4 Following the public hearing, the Board of Appeals shall meet to make their decision. Voting procedures shall be as specified in Section 8.2.2.-The board's decision shall be given to the applicant in writing. Failure of the Board of Appeals to issue a written notice of its decision within 60 days of the appeal shall constitute approval of the appeal. The Board of Appeals may extend their review period a maximum of an additional 30 days. In the event of such an extension, a written notice shall be sent to the applicant advising him or her of this extension.

8.2.4.5 Variance Appeal Procedure

8.2.4.5.1 A person or organization may file an appeal for a variance with the Board of Appeals. The appeal shall be made in writing on forms provided for this purpose. The form shall be accompanied with any plans or other documents which would assist the Board in their evaluation of the appeal. An applicant for a variance appeal shall deposit with the City Clerk, at the time of filing the appeal, a non-refundable deposit of $75. The Board of Appeals shall not begin their review process until this fee has been filed. The applicant shall not be liable for any further normal public hearing costs, regardless of the Board's decision on the appeal. However, for unusual cases in which the Board of Appeals may need legal or other special advice, the Board may request the applicant to share in these additional costs. The Board of Appeals and City Council shall confer with the applicant to determine share of costs before retaining any special services.
8.2.4.5.2 The procedures for public hearings and Board of Appeals decisions for variance appeals shall be the same as those for administrative appeals with the addition of individual notification of abutting property owners. The Board shall also make its decision according to the provisions set forth in the section on Powers and Duties above.

8.2.4.6 Special Exception Permit Procedures

8.2.4.6.1 An applicant requesting a special exception permit from the Board of Appeals shall post a sign on the subject property at the time that the permit request is filed. The sign shall be at least one foot square in size, must be visible from the street, and must clearly state the owner's desire to obtain a special exception Permit for a particular use.

8.2.4.6.2 The Board of Appeals: may, at its discretion, request the Planning Board to review the special exception request. Recommendations from the Planning Board to the Board of Appeals on such matters are not, however, binding.

8.2.4.6.3 The procedures for a non-refundable $75 filing fee and other costs, public hearings and Board of Appeals decisions for special exception permits shall be the same as those for variance appeals. The Board shall also make its decision according to the provisions set forth in the section on "Powers and Duties" above.

8.3 Appeals to the Superior Court

8.3.1 Appeals may be taken from the Board of Appeals to the Superior Court. The appeal to the Superior Court shall be made within 30 days after the decision of the Board. Notice of the appeal shall be ordered by the Court, and the appeal shall be tried and determined by the Court without a jury in a manner provided by law for such cases. Costs may be awarded to the prevailing party by the Court.

8.4 Other Special Permits

8.4.1 An individual or organization seeking a special permit for special exception uses in a shoreland zone, earthmoving of more than 10 cubic yards in the shoreland zone, or new construction, alteration or demolition in any Historic District, shall submit a request in writing to the Planning Board and the Historical Review Committee on forms provided for this purpose. The application shall be accompanied with any plans or other documents that would assist the Planning Board in their evaluation of the proposal.

8.4.2 Planning Board public hearings shall be held within thirty days of the filing of the permit application. Notice of the hearing shall be advertised at least ten days in
advance in a newspaper of local circulation. After the public hearing, the Planning Board shall meet and make their decision in accordance with the provisions of this Ordinance and the merits of the particular application. The concurring vote of a majority of a quorum of the Planning Board shall be necessary for a decision.

8.5 Subdivision Review and Approval

8.5.1 The Planning Board shall be responsible for review and approval of site plans for all subdivisions according to the provisions of the "Maine Subdivision Law Title 30." All other provisions of the State law must be observed by the owner of a proposed subdivision.

8.6 Change of Zoning District

A change of the Zoning District designation for any property shall constitute an Amendment of this ordinance and procedures shall be as provided for in "Section 3.5 Amendment."

8.6.2 For any change of Zoning District, the Planning Board has advisory powers; the Eastport City Council has decision-making powers. The Board of Appeals is not authorized to grant changes in the Zoning District designation.

8.6.3 When a person or organization petitions for rezoning of an area for the purpose of development in accordance with an architect's plan, the area shall not be rezoned unless the petitioner posts a performance bond equal to at least 10% of the estimated cost of the development. City Council may request a larger bond. The bond shall become payable to the City if the petitioner fails to begins construction in a substantial manner in accordance with the plan within one year of the effective date of the rezoning.

8.6.4 Any changes in Zoning District designation for any property as decided by City Council shall be documented both in writing and on the official Zoning Map. In addition, publication of the final decision shall be made in a newspaper of general circulation.
## APPENDIX "A"
### RECORD OF REVISIONS

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<td>DATE</td>
<td>CHANGE</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
<td>-----------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Article 2</td>
<td>2-5</td>
<td>05-12-03</td>
<td>Add: or private and documented right-of-way to Lot definition</td>
</tr>
<tr>
<td>7.7.6</td>
<td>7-3</td>
<td>06-10-03</td>
<td>Add additional language increasing the fee for ZBA “permits after the fact” by $250.00 for each year the non-permitted activity existed.</td>
</tr>
<tr>
<td>5.4.3.3</td>
<td>5-7</td>
<td>06-16-03</td>
<td>Add Section restricting / prohibiting residential uses of the 1st floors in the downtown within the B1 district</td>
</tr>
<tr>
<td>Article 2</td>
<td>2-9</td>
<td>07-14-03</td>
<td>Add to the definition of structure the words “and stairs pursuant to DEP Chapter 1000 Section B Paragraph 5.</td>
</tr>
<tr>
<td>5.6.1.1</td>
<td>5-12</td>
<td>10-06-03</td>
<td>Add the words “church or temple” to permitted uses within the Industrial Zones</td>
</tr>
<tr>
<td>Appendix (C)</td>
<td>Map &amp; List</td>
<td>10-20-03</td>
<td>Include all City Owned Property located in the (B1) District in the Historic Designated District.</td>
</tr>
<tr>
<td>Appendix (C)</td>
<td>Map &amp; List</td>
<td>10-20-03</td>
<td>Replace Map &amp; List with those approved by The Historic Review Board on 07/17/03</td>
</tr>
<tr>
<td>5.3.3.1</td>
<td>5-6</td>
<td>01-12-04</td>
<td>Add Paragraph 5.3.3.1 reducing the Front Yard Setback for lots on the N. side of Sullivan St. to 10ft.</td>
</tr>
<tr>
<td>5.10.6.3</td>
<td>5-26</td>
<td>05-10-04</td>
<td>Add Paragraph 5.10.6.3 allowing building height within the SGD Zone to be measured from the original grade down slope or the Base Flood Elevation</td>
</tr>
<tr>
<td>2</td>
<td>2-1</td>
<td>07-12-04</td>
<td>Change the definition of “Automobile Graveyard or Junkyard” To that of Title 30-A MRSA ss3752</td>
</tr>
<tr>
<td>6.21.1.1</td>
<td>6-13</td>
<td>11-08-04</td>
<td>Change the maximum sign size to 12’ in Residential Zones and 16’ in the B1 Business Zone</td>
</tr>
<tr>
<td>Map</td>
<td>5-29</td>
<td>12-13-04</td>
<td>Change the zoning designation of 26 Deep Cove Road H4-D2-2, from SGD to CFMA</td>
</tr>
<tr>
<td>5.14.7.4.11</td>
<td>5-44</td>
<td>02-14-05</td>
<td>Add “Scale of New Construction In Historic District”</td>
</tr>
<tr>
<td>5.14.7.4.12</td>
<td>5-44</td>
<td>02-14-05</td>
<td>Add “All signs shall be in keeping with the character of the Historic District or building”</td>
</tr>
<tr>
<td>Appendix C</td>
<td>Map &amp; List</td>
<td>02-13-06</td>
<td>Add American Can Plant to Local Historic Designated District</td>
</tr>
<tr>
<td>7.7.7</td>
<td>7-3</td>
<td>02-13-06</td>
<td>Add, “Applications submitted to the Planning Board, for which a public hearing is required, shall be accompanied by a filing fee sufficient to cover the cost of public hearing publication and notices. In no case shall the filing fee be less than $25.00.”</td>
</tr>
<tr>
<td>Addition of section 6.28</td>
<td>6-16</td>
<td>07-09-07</td>
<td>Addition of “Public Artwork” in Section 6.28 page 6-16</td>
</tr>
<tr>
<td>7.7.8</td>
<td>7-3</td>
<td>05-11-09</td>
<td>Addition of fee of $50.00 for late application for Certificate of Appropriateness</td>
</tr>
<tr>
<td>SECTION</td>
<td>PAGE</td>
<td>DATE</td>
<td>CHANGE</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
<td>------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>5.3.2</td>
<td>5-5</td>
<td>08-10-09</td>
<td>Add “professional Office” under Special Exception in R2 district</td>
</tr>
<tr>
<td>Appendix C</td>
<td>Map &amp; List</td>
<td>04-12-10</td>
<td>Addition to Jackson Block index number 24, map/lot I7-0B5-11 to Local Historic Designated District (HDD) and HDD map</td>
</tr>
<tr>
<td>5.5.1.1 B2 &amp; Zoning Map</td>
<td>5-10 &amp; Map</td>
<td>08-13-10</td>
<td>Add Church, city truck depot, commercial, medical, office, recycling centers, residential to B2 (Highway business) Permitted Uses. Changed official zoning map to comply with comprehensive plan map revised in March 2010 by Planning Board</td>
</tr>
<tr>
<td>Appendix C</td>
<td>Map &amp; List</td>
<td>03-14-12</td>
<td>Add American Legion Hall at 6 Green Street to Local Historic Designated District</td>
</tr>
<tr>
<td>Appendix C</td>
<td>Map &amp; List</td>
<td>10-10-12</td>
<td>Add E. S. Martin building at 73 Water Street to Local Historic Designated District</td>
</tr>
<tr>
<td>6.17.2.5</td>
<td>6-10</td>
<td>10-10-12</td>
<td>Amend 6.17.2.5 to read “One space for each three hundred fifty (350) square feet, or fraction thereof, of floor area....”</td>
</tr>
<tr>
<td>Appendix C</td>
<td>Map &amp; List</td>
<td>12-12-12</td>
<td>Add 89 thru 93 Water Street and 11 Washington Street to Local Historic District</td>
</tr>
<tr>
<td>Section 3.5.4, 7.7.6, 7.7.7, 8.2.4.2, 8.2.4.5, 1.8.2.4.6.3</td>
<td>Various</td>
<td>9-11-13</td>
<td>Increase fees for public hearings from $25 to $75</td>
</tr>
<tr>
<td>Page 2-5, Sections 6.21.2.4 &amp; 6.21.1.1</td>
<td>Various</td>
<td>11-13-13</td>
<td>Amend definition of “Industrial” to include “processing or shipping of goods”, delete section 6.21.2.4 giving responsibility on state highways to Me DOT in its entirety, and amend sections and 6.21.1.1 describing sign size restrictions adding signs in B2 of 32 S.F.</td>
</tr>
<tr>
<td>Appendix D (added)</td>
<td>Appendices</td>
<td>11-13-13</td>
<td>Add Appendix D to the ordinance labeled “Useful Maps &amp; Charts”. Within this appendix are the current Eastport Land Use Map and three (3) new land use maps outlining zoning districts and sign restrictions along Route 190.</td>
</tr>
<tr>
<td>Land Use Map</td>
<td>N/A</td>
<td>12-11-13</td>
<td>Zoning district change R2 to B2 for 18 Toll Bridge Road, tax map E3-C2-01/02/03/04.</td>
</tr>
<tr>
<td>Land Use Map</td>
<td>N/A</td>
<td>2-12-14</td>
<td>Zoning district change Industrial to RR for 7 Indian Road, tax map D3-0D4-01</td>
</tr>
<tr>
<td>Sections 5.2.2 and 5.3.2</td>
<td>5.3 &amp; 5.5</td>
<td>9-10-14</td>
<td>Change “shall” to “may” and add sentence: In the R1 district, if more than one such special exception is to be permitted, the cumulative impact of the business on the residential neighborhood (defined as an area up to two blocks radius or</td>
</tr>
<tr>
<td>SECTION</td>
<td>PAGE</td>
<td>DATE</td>
<td>CHANGE</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
<td>------</td>
<td>--------</td>
</tr>
<tr>
<td>Continuation</td>
<td></td>
<td></td>
<td>up to 500 feet from the applicant) must be considered by the Board before approving additional requests.</td>
</tr>
<tr>
<td>Appendix C</td>
<td>Map &amp; List</td>
<td>5-21-15</td>
<td>Add 42 thru 43 Water Street to Local Historic District Tax Map I7-0C5-34/35 and 33/46</td>
</tr>
<tr>
<td>Appendix C</td>
<td>Map &amp; List</td>
<td>06-10-15</td>
<td>Add 82 High Street to Local Historic District Tax Map I7-0B2-09</td>
</tr>
<tr>
<td>Section 6.4.6</td>
<td>6-2</td>
<td>08-10-16</td>
<td>Change M.R.S. reference for Auto Graveyards/Junkyards to Chapter 183, Title 30-A, Section 3752, et. seq.</td>
</tr>
<tr>
<td>Section 3.4.2</td>
<td>3-5</td>
<td>08-10-16</td>
<td>Change (General Provisions/Public Hearings) “posting of a notice in at least three public places including on-line via City website 48 hour prior to the meeting.”</td>
</tr>
<tr>
<td>Appendix C</td>
<td>Map &amp; List</td>
<td>10-12-16</td>
<td>Add American Can Building, 15 Sea Street, to National Historic Registry. Tax Map I7-0D5-10/10A</td>
</tr>
<tr>
<td>Appendix D</td>
<td>Zoning Map</td>
<td>5-10-17</td>
<td>Change title of zoning map, place attestation block, enter scale as 1”-2,000’, add “overlay” to district title block, add street name. No zoning district changes.</td>
</tr>
</tbody>
</table>
# Appendix (C)

## Eastport Zoning Ordinance

### Official List of Properties Within The Local (HDD) Historic Designated District

<table>
<thead>
<tr>
<th>Structure</th>
<th>Map #</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States Post Office &amp; Customs House</td>
<td>1</td>
<td>I7-B4-13 1 Washington St.</td>
</tr>
<tr>
<td>Built 1890-91, stone, 2 stories with 3 story tower Late Italianate,</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charles &amp; M. A. Jackson Block</td>
<td>2</td>
<td>I7-C5-1 74-80 Water St.</td>
</tr>
<tr>
<td>Built 1887, wood, 2 stories</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Italianate, Henry Black Architect</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phillip McMahon Building</td>
<td>3</td>
<td>I7-C5-3 72 Water St.</td>
</tr>
<tr>
<td>Built 1887, wood, 2 stories</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Italianate, Henry Black Architect</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M. Bradish Bakery Building</td>
<td>4</td>
<td>I7-C5-2 68 Water St.</td>
</tr>
<tr>
<td>Built 1887, wood, 2 stories</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Italianate, Henry Black Architect</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Knights of Pythias Building</td>
<td>5</td>
<td>I7-C5-10 6 Boynton St.</td>
</tr>
<tr>
<td>Built 1928 after fire, wood, 3 stories Vernacular</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Edward Shead Building</td>
<td>6</td>
<td>I7-C5-18 58 Water St.</td>
</tr>
<tr>
<td>Built 1887, brick, 2 stories</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Italianate, Henry Black Architect</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Masonic Block</td>
<td>7</td>
<td>I7-C5-37-39 36 Water St.</td>
</tr>
<tr>
<td>Built 1887, brick with stone trim, 2 stories Italianate, Henry Black Architect</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frontier National Bank</td>
<td>8</td>
<td>I7-D5-1 34 Water St.</td>
</tr>
<tr>
<td>Built 1882, brick with stone &amp; wood trim, iron cresting Victorian Italianate, Charles Kimball Architect</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peavey Memorial Library</td>
<td>9</td>
<td>I7-D4-5 24 Water St.</td>
</tr>
<tr>
<td>Built 1893, brick with stone trim, 1 story Romanesque Revival, Rotch &amp; Tilden Architects</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eastport Savings Bank</td>
<td>10</td>
<td>I7-D5-2 43 Water St.</td>
</tr>
<tr>
<td>Built 1887, brick with stone trim, 3 stories Italianate with Pavilion, Henry Black Architect</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hayscale Block</td>
<td>11</td>
<td>I7-C5-40-11 49 Water St.</td>
</tr>
<tr>
<td>Built 1887, brick 2 story ,with wood trim Italianate, Henry Black (likely) Architect</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sutherland Building</td>
<td>12</td>
<td>I7-C5-15 69 Water St.</td>
</tr>
<tr>
<td>Built 1887, wood, 2 story Vernacular</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R.M. Tuttle Building</td>
<td>13</td>
<td>I7-C5-14 71 Water St.</td>
</tr>
<tr>
<td>Built 1887, wood, 2 story</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Name</td>
<td>Address</td>
<td>Number</td>
</tr>
<tr>
<td>---------------------------------------------------</td>
<td>----------------------</td>
<td>--------</td>
</tr>
<tr>
<td>Corthell &amp; Gardner Building</td>
<td>75 Water St.</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trefry Block</td>
<td>103 Water St.</td>
<td>15</td>
</tr>
<tr>
<td>Leavitt Block</td>
<td>107 Water St.</td>
<td>16</td>
</tr>
<tr>
<td>Grady Building</td>
<td>109 Water St.</td>
<td>17</td>
</tr>
<tr>
<td>Booth Fisheries Office</td>
<td>123 Water St.</td>
<td>18</td>
</tr>
<tr>
<td>Fort Sullivan Barracks</td>
<td>72 Washington St.</td>
<td>19</td>
</tr>
<tr>
<td>Todd House</td>
<td>1 Capen Ave.</td>
<td>20</td>
</tr>
<tr>
<td>Fort Sullivan Site</td>
<td>5 McKinley St.</td>
<td>21</td>
</tr>
<tr>
<td>Daniel Kilby House</td>
<td>15 Boynton St.</td>
<td>22</td>
</tr>
<tr>
<td>City of Eastport downtown property</td>
<td>Within the B1 District</td>
<td>23</td>
</tr>
<tr>
<td>American Can Plant</td>
<td>5 Sea Street</td>
<td>23</td>
</tr>
<tr>
<td>Part of Charles &amp; M. A. Jackson Block</td>
<td>82-84 Water Street</td>
<td>24</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meade Camp #86, Sons of Veteran - American Legion Hall</td>
<td>6 Green Street</td>
<td>25</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E. S. Martin Building</td>
<td>73 Water Street</td>
<td>26</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Half of Sharland Building</td>
<td>91B/ 93 Water Street</td>
<td>27</td>
</tr>
</tbody>
</table>
| South Half of Sharland Building  
| Built 1887, brick with wood, 2 story  
| Italianate  
| | | 28 | I7-0B5-12  
| | | | 89 /91A Water Street  
| | John McLaren House  
| Built 1830, Wood, 2 ½ Story  
| Federal  
| | | | 29 | I7-0B4-10  
| | | | | 11 Washington Street  
| | Sentinel Building  
| Built 1887, Wood, 3 Story  
| Italianate, Henry Black Architect  
| | | | 30 | I7-0C5-34/35  
| | | | | 42 Water Street  
| | A. B. Davis Building  
| Built 1887, Wood, 3 Story  
| Italianate, Henry Black Architect  
| | | | 31 | I7-0C5-33/46  
| | | | | 44 Water Street  
| | North Baptist Church  
| (North Christian Church)  
| Built 1819  
| Wood 2 story  
| | | | 32 | I7-0B2-09  
| | | | | 82 High Street  

C-3
## Appendix (C)
### Eastport Zoning Ordinance
#### Official List of Properties
#### On The National Historic Register

<table>
<thead>
<tr>
<th>Structure</th>
<th>Map #</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States Post Office &amp; Customs House</td>
<td>I7-B4-13</td>
<td>1 Washington St.</td>
</tr>
<tr>
<td>Charles &amp; M. A. Jackson Block</td>
<td>I7-C5-1</td>
<td>74-80 Water St.</td>
</tr>
<tr>
<td>Phillip McMahon Building</td>
<td>I7-C5-3</td>
<td>72 Water St.</td>
</tr>
<tr>
<td>M. Bradish Bakery Building</td>
<td>I7-C5-2</td>
<td>68 Water St.</td>
</tr>
<tr>
<td>M. Bradish Bakery Building</td>
<td>I7-C5-37-39</td>
<td>36 Water St.</td>
</tr>
<tr>
<td>Edward Shead Building</td>
<td>I7-C5-10</td>
<td>6 Boynton Street</td>
</tr>
<tr>
<td>Edward Shead Building</td>
<td>I7-C5-18</td>
<td>58 Water St.</td>
</tr>
<tr>
<td>Masonic Block</td>
<td>I7-D5-1</td>
<td>34 Water St.</td>
</tr>
<tr>
<td>Frontier National Bank</td>
<td>I7-D5-2</td>
<td>43 Water St.</td>
</tr>
<tr>
<td>Peavey Memorial Library</td>
<td>I7-D5-40-11</td>
<td>49 Water St.</td>
</tr>
<tr>
<td>Sutherland Building</td>
<td>I7-C5-15</td>
<td>69 Water St.</td>
</tr>
</tbody>
</table>

1. United States Post Office & Customs House
   - Built 1890-91, stone, 2 stories with 3 story tower
   - Late Italianate,
2. Charles & M. A. Jackson Block
   - Built 1887, wood, 2 stories
   - Italianate, Henry Black Architect
3. Phillip McMahon Building
   - Built 1887, wood, 2 stories
   - Italianate, Henry Black Architect
4. M. Bradish Bakery Building
   - Built 1887, wood, 2 stories
   - Italianate, Henry Black Architect
5. Knights of Pythias Building
   - Built 1928 after fire, wood 3 stories
   - Vernacular
6. Edward Shead Building
   - Built 1887, brick, 2 stories
   - Italianate, Henry Black Architect
7. Masonic Block
   - Built 1887, brick with stone trim, 2 stories
   - Italianate, Henry Black Architect
8. Frontier National Bank
   - Built 1882, brick with stone & wood trim, iron cresting
   - Victorian Italianate, Charles Kimball Architect
9. Peavey Memorial Library
   - Built 1893, brick with stone trim, 1 story
   - Romanesque Revival, Rotch & Tilden Architects
10. Eastport Savings Bank
    - Built 1887, brick with stone trim, 3 stories
    - Italianate with Pavilion, Henry Black Architect
11. Hayscale Block
    - Built 1887, brick 2 story ,with wood trim
    - Italianate, Henry Black (probably) Architect
12. Sutherland Building
    - Built 1887, wood, 2 story
    - Vernacular
<table>
<thead>
<tr>
<th>Building Name</th>
<th>Year Built</th>
<th>Style</th>
<th>Address</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>R.M. Tuttle Building</td>
<td>1887</td>
<td>Italianate</td>
<td>71 Water St.</td>
<td>13</td>
</tr>
<tr>
<td>Corthell &amp; Gardner Building</td>
<td>1887</td>
<td>Italianate</td>
<td>75 Water St.</td>
<td>14</td>
</tr>
<tr>
<td>Trefry Block</td>
<td>1887</td>
<td>Italianate</td>
<td>103 Water St.</td>
<td>15</td>
</tr>
<tr>
<td>Leavitt Block</td>
<td>1887</td>
<td>Italianate</td>
<td>107 Water St.</td>
<td>16</td>
</tr>
<tr>
<td>Grady Building</td>
<td>1887</td>
<td>Italianate</td>
<td>109 Water St.</td>
<td>17</td>
</tr>
<tr>
<td>Booth Fisheries Office</td>
<td>1917</td>
<td>Vernacular</td>
<td>123 Water St.</td>
<td>18</td>
</tr>
<tr>
<td>Fort Sullivan Barracks</td>
<td>1822</td>
<td></td>
<td>72 Washington St.</td>
<td>19</td>
</tr>
<tr>
<td>Todd House</td>
<td>about 1785</td>
<td></td>
<td>1 Capen Ave.</td>
<td>20</td>
</tr>
<tr>
<td>Fort Sullivan Site</td>
<td>1814-1815</td>
<td></td>
<td>5 McKinley St.</td>
<td>21</td>
</tr>
<tr>
<td>Daniel Kilby House</td>
<td>1820</td>
<td>Federal</td>
<td>15 Boynton St.</td>
<td>22</td>
</tr>
<tr>
<td>P. Whalen Block/Berman Block</td>
<td>1887 &amp; 1928</td>
<td></td>
<td>60 - 64 Water St.</td>
<td>23</td>
</tr>
<tr>
<td>Rumery Brothers Building</td>
<td>1887</td>
<td>Italianate</td>
<td>56 Water St.</td>
<td>24</td>
</tr>
<tr>
<td>Alden Bradford Block</td>
<td>1887</td>
<td>Italianate</td>
<td>52 - 54 Water St.</td>
<td>25</td>
</tr>
<tr>
<td>Witherell Block</td>
<td>1887</td>
<td>Italianate</td>
<td>48 - 50 Water St.</td>
<td>26</td>
</tr>
<tr>
<td>A.B. Davis Building</td>
<td>1887</td>
<td>Italianate</td>
<td>44 Water Street</td>
<td>27</td>
</tr>
<tr>
<td>Building Name</td>
<td>Year Built</td>
<td>Architect</td>
<td>Address</td>
<td>Reference</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>------------</td>
<td>-----------------------------</td>
<td>-----------------</td>
<td>-----------</td>
</tr>
<tr>
<td>Sentinel Building</td>
<td>1887</td>
<td>Italianate, Henry Black</td>
<td>42 Water St.</td>
<td>I7-C5-34</td>
</tr>
<tr>
<td>Beckett Block</td>
<td>1887</td>
<td>Italianate, Henry Black</td>
<td>38 Water St.</td>
<td>I7-C5-38</td>
</tr>
<tr>
<td>E.S. Martin Building</td>
<td>1887</td>
<td>Italianate, Henry Black</td>
<td>75 Water Street</td>
<td>I7-C5-12</td>
</tr>
<tr>
<td>Sharland Building</td>
<td>1887</td>
<td>Italianate</td>
<td>87 Water Street</td>
<td>I7-B5-10 &amp; 12</td>
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<tr>
<td>Stetson-Starboard House</td>
<td>1821-1822</td>
<td>Federal</td>
<td>13 Boynton St.</td>
<td>I7-C4-1</td>
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<tr>
<td>Weston House</td>
<td>1810</td>
<td>Federal</td>
<td>26 Boynton St.</td>
<td>I7-C4-8</td>
</tr>
<tr>
<td>Central Congregational Church</td>
<td>1829</td>
<td>Daniel Low Architect</td>
<td>26 Middle St.</td>
<td>I7-C3-15</td>
</tr>
<tr>
<td>Boynton High School</td>
<td>1847</td>
<td>Italianate, Gridley J.F.</td>
<td>78 High St.</td>
<td>I7-B2-29</td>
</tr>
<tr>
<td>Part of Charles &amp; M. A. Jackson Block</td>
<td>1887</td>
<td>Italianate, Henry Black</td>
<td>82-84 Water St.</td>
<td>I7-0B5-11</td>
</tr>
</tbody>
</table>
Appendix (C) Eastport Zoning Ordinance
Official Map of Properties within the Local Historic Designated District
Appendix (C) Eastport Zoning Ordinance
Official Map of Properties on the National Historic Register