

2018

Winslow Town Ordinances

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*Town of Winslow, ME
Friday, October 5, 2018*

Chapter C. Council-Manager Charter of the Town of Winslow

Article I. GRANT OF POWERS TO THE TOWN

Section 101. Incorporation, Powers of the Town.

The inhabitants of the Town of Winslow shall continue to be a municipal corporation under the name of the Town of Winslow and shall have, exercise, and enjoy all the rights, immunities, powers, privileges, and franchises, and shall be subject to all the duties, liabilities, and obligations provided for herein, or otherwise pertaining to or incumbent upon said town as a municipal corporation, or the inhabitants or municipal officers thereof; it may enact bylaws, regulations, and ordinances not inconsistent with the constitution and laws of the State of Maine and impose penalties for the breach thereof as provided by the laws of the State of Maine.

Section 102. Construction.

The powers of the town under this Charter shall be construed liberally in favor of the town, and specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this article.

Town of Winslow, ME
Friday, October 5, 2018

Chapter 1. General Provisions

[HISTORY: Adopted by the Town Council of the Town of Winslow 9-13-1976 by Ord. No. 57-1976. Amendments noted where applicable.]

§ 1-1. Designation and citation of Code.

The ordinances embraced in this and the following chapters and sections shall constitute and be designated as "The Municipal Code of Winslow, Maine, 1975," and may be so cited. The Code may also be cited as the "Municipal Code" or, in the provisions which follow, as "this Code."

§ 1-2. Rules of Code construction; definitions.

- A. In the construction of this code and all ordinances the following rules of construction and definitions shall be observed unless inconsistent with the manifest intent of the council or the context clearly requires otherwise:
- (1) *And/or.* "And" may read "or" and "or" may be read "and" if the sense requires it.
 - (2) *Bond* means an obligation in writing, binding the signatory to pay a sum certain upon the happening or failure of an event.
 - (3) *Building* means any profession, trade, occupation and any other commercial enterprise conducted for monetary reward.
 - (4) *Business* means any profession, trade, occupation and any other commercial enterprise conducted for monetary reward.
 - (5) *Charter* means the Charter of the Town of Winslow.
 - (6) *Clerk* means the Town Clerk.
 - (7) *Council* means the governing body of the Town, the Town Council.
 - (8) *Councilor* means any member of the governing body of the Town, the Winslow Town Council. Council Chairman means the chairman of the Town Council of Winslow.
 - (9) *County* means Kennebec County, Maine.
 - (10) *Definitions* given within a chapter or article apply only to words or phrases used in such chapter or article unless otherwise provided.
 - (11) *Designee*, following an official of the Town, means the authorized agent, employee or representative of such official.
 - (12) *Director* means the chief executive officer of the office or department to which the particular division, bureau, board, agency or subordinate municipal administrative body has been assigned by the council.

- (13) *Gender*. Words in any section importing the masculine gender shall include the feminine and neuter as well as the masculine.
- (14) *Health officer* means the head of the health department or any person designated by the council to perform the Town health functions and duties.
- (15) *May*. The word "may" is permissive and discretionary.
- (16) *Month* means a calendar month.
- (17) *Number*. Words used in the singular include the plural, and the plural includes the singular.
- (18) *Oath* means any form of attestation by which a person signifies that he is bound in conscience to perform an act or to speak faithfully and truthfully, and includes an affirmation or declaration in cases where by law an affirmation may be substituted for an oath.
- (19) *Occupant* means tenant or person in actual possession.
- (20) *Operate* means carry on, keep, conduct, maintain, manage, direct or superintend.
- (21) *Ordinances* means the ordinances of the Town of Winslow and all amendments and supplements thereto.
- (22) *Owner* means one who has complete dominion over particular property and who is the one in whom legal or equitable title rests; when applied to a building or land, owner means any part owner, joint owner, owner of a community or partnership interest, life tenant, tenant in common, or joint tenant, of the whole or part of such building or land.
- (23) *Person* means any individual, natural person, joint stock company, partnership, voluntary association, society, club, firm, company, corporation, business trust, organization, or any other group acting as a unit, or the manager, lessee, agent, servant, partner, member, director, officer or employee of any of them including an executor, administrator, trustee, receiver, or other representative appointed according to law.
- (24) *Personal property* means any money, goods, movable chattels, things in action, evidence of debt, all objects and rights which are capable of ownership, and every other species of property except real property.
- (25) *Preceding* and *following* mean next before and next after, respectively.
- (26) *Proprietor* means an owner of the property or premises including any person, firm, association, corporation, club partnership or other group acting as a unit whether acting by themselves or by a servant, agent or employee.
- (27) *Public place* means any park, lake, stream, stadium, athletic field; playground, school yard, street, avenue, plaza, square, bus train or railroad depot, station, terminal, cemetery, open space adjacent thereto or any other place commonly open to the public.
- (28) *Real property* means land, together with all things attached to the land so as to become a part thereof.
- (29) *Shall*. The word *shall* is mandatory.
- (30) *Sidewalk* means that portion of a street between the curb line and the adjacent property along the margin of a street or other highway, designed, constructed and intended for the use of pedestrians to the exclusion of vehicles.
- (31) *Signature* and *subscription* mean the name of a person, mark or symbol appended by him to a writing with intent to authenticate the instrument as one made or put into effect by him.

- (32) *State* means the State of Maine.
- (33) *Statutes* or *Revised Statutes* mean the latest published edition of the Statutes or Revised Statutes of Maine.
- (34) *Street* means all street, highways, avenues, boulevards, parkways, roads, lanes, viaducts, bridges and the approaches thereto, docks built on the public street, alleys, courts, places, squares, curbs, sidewalks, recreation and park lands used for vehicular traffic, or other public ways or thoroughfares in this Town, over which it has jurisdiction, which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
- (35) *Tenant* means any person occupying the premises, building or land of another in subordination to such other person's title and with his express or implied assent, whether he occupies the whole or a part of those premises, building or land, whether alone or with others.
- (36) *Tense*. Words used in the past or present tense include the future, past and present where applicable unless the context clearly indicates otherwise.
- (37) *Time* means an hour of the day according to the official time of the Town.
- (38) *Time of performance* means the time within which an act is to be done as provided in any section or any order issued pursuant to any section, when expressed in days, and is computed by excluding the first and including the last day. If the last day is Sunday or a legal holiday, that day shall not be counted in the computation. When the time is expressed in hours, the whole of Sunday or a legal holiday from midnight to midnight is excluded.
- (39) *Town* means the Town of Winslow, in the County of Kennebec and State of Maine.
- (40) *Town limits* means within the Town and includes not only the corporate limits of the Town, but also any property which it owns or which is under its jurisdiction.
- (41) *Town Manager* means the chief administrative officer of the Town.
- (42) *Treasurer* means the Town Treasurer.
- (43) *Watercourse* means any drain, ditch and stream, flowing in a definite direction or course in a bed with banks.
- (44) *Week* means seven days.
- (45) *Words and phrases* shall be construed according to the common and approved usage of the language, but technical words and phrases and others that have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such meaning.
- (46) *Writing* and *written* mean any representation of words, letters or figures, whether by printing or otherwise, capable of comprehension by ordinary visual means.
- (47) *Year* means a calendar year.

§ 1-3. Authority of Code.

This Code is a revision and codification of the general ordinances of the Town of Winslow which have been enacted and published in accordance with the authority granted in 30 M.R.S.A., § 2154.

§ 1-4. Territorial applicability.

This Code shall refer only to the commission or omission of acts within the territorial limits of the Town and to that territory outside this Town over which the Town has jurisdiction or control by virtue of any constitutional or charter provisions, or any law.

§ 1-5. Certified copy of Code admissible into evidence.

Any printed copy of this Code or any printed supplement thereto, published and certified according to law, shall be received in evidence in any court for the purpose of proving any charter or ordinance provision therein contained with like effect and for the same purpose as the original ordinances, minutes or journals would be received.

§ 1-6. Acts by deputy or designee.

Whenever a power is granted to or a duty is imposed upon a public officer or employee, the power may be performed by an authorized deputy or designee or by any person authorized pursuant to law or ordinances, unless this Code expressly provides otherwise.

§ 1-7. Code provisions as continuance of existing ordinances.

The provisions appearing in this Code, insofar as they relate to the same subject matter and are substantially the same as those ordinance provisions previously adopted by the Town and existing at the effective date of this Code, shall be considered as restatements and continuations thereof and not as new enactments.

§ 1-8. Conflicting provisions.

- A. If the provisions of different chapters, articles, divisions or section of this Code conflict with or contravene each other, the provisions of each chapter, article, division or section shall prevail as to all matters and questions growing out of the subject matter of that chapter, article, division or section.
- B. If clearly conflicting provisions are found in different sections of the same chapter, the provisions of the section last enacted shall prevail unless the construction is consistent with the meaning of that chapter.
- C. Where any conflict exists between a chapter, article, division or section of this Code and any chapter or section of the Town Charter or state Code, the latter shall prevail.

§ 1-9. References include amendments; construction.

- A. Any reference in this Code to an ordinance or provisions of this Code shall mean such ordinance or provision as may now exist or is hereafter amended.
- B. Any references in this Code to chapters, articles, divisions or sections shall be to the chapters, articles, divisions and sections of this Code unless otherwise specified.

§ 1-10. Catchlines and headings; construction.

All designations and headings of chapters, articles, divisions and sections are intended only for convenience in arrangement and as mere catchwords to indicate the contents of such chapters, articles, divisions or sections, whether printed in boldface type or italics. They shall not be deemed or taken to be any part or title of such chapters, articles, divisions or sections; nor unless expressly so provided, shall they be so deemed upon amendment or re-enactment or be construed to govern, limit, modify, alter or in any other manner affect the scope, meaning or intent of any of the provisions of this Code.

§ 1-11. Interpretation of section numbers.

In reading a section number from left to right, the digit or digits to the left of the dash designate the chapter number. The digit or digits to the right of the dash designate the section number within the chapter. Figures to the right of a decimal point indicate new chapters or sections inserted between existing chapters or sections. The decimal system shall be used to maintain the numerical order of this Code.

§ 1-12. Continuing offenses.

Each day any violation of this Code occurs or continues to exist shall constitute a separate offense.

§ 1-13. Prohibited acts including causing, permitting or concealing.

Whenever in this Code any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

§ 1-14. Notices; service and proof.

- A. Unless otherwise specifically provided, whenever a notice is required to be given pursuant to any section of this Code such notice shall be given either by personal delivery to the person to be notified or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to the person to be notified at his last known business or residence address as the same appears in the public records or other records pertaining to the matter for which such notice is served, or by any other method of delivery approved by law. Service by mail shall be deemed to have been completed at the time of deposit in the post office or any United States mailbox.
- B. Proof of giving any notice may be made by the certificate of any officer or employee of this Town or by affidavit of any person over the age of 18 years who actually accomplished personal service in conformity with this Code or other provisions of law applicable to the subject matter concerned, or by a return receipt signed by the recipient notified by United States Mail.

§ 1-15. Code severability.

It is declared to be the intention of the council that the sections, subsections, paragraphs, sentences, clauses and words of this Code are severable. If any section, subsection, paragraph, sentence, clause or word is declared unconstitutional or otherwise invalid by the lawful judgment or decree of any court of competent jurisdiction, its unconstitutionality or invalidity shall not affect the validity of any of the remaining sections, subsections, paragraphs, sentences, clauses and words of this Code, since the sections or parts of sections would have been enacted by the council without and irrespective of any unconstitutional or otherwise invalid section, subsection, paragraph, sentence, clause, or word being incorporated into this Code.

§ 1-16. Same offense punishable by different sections of the Code.

In all cases where the same offense is made punishable or is created by different sections of this Code, the Town Attorney may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense.

§ 1-17. General penalty; suspension or revocation of license or permit; use of fines.

- A. Whenever in this Code or in any ordinance of the Town any act or failure to do a required act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punishable by a fine not exceeding \$100.
- B. If the penalty for a particular offense is limited by state statute then such limitation shall be applicable to the provision of this Code and other ordinances of the Town notwithstanding the provisions of the section.
- C. The suspension or revocation of any license, certificate or other privilege conferred by the Town, shall not be regarded as a penalty for the purposes of this Code but shall be in addition thereto.
- D. All fines levied and paid for any violation of any provision of this Code or any other violation of any Town ordinance, shall be payable to the general fund of the Town for the use of the Town.

§ 1-18. Code adoption.

The Code of Ordinances of the Town of Winslow prepared by the National Institute of Municipal Law Officers of Washington, D.C., and titled The Charter and Code of Winslow, Maine — 1975, is hereby adopted as the official Code of Ordinances for the Town of Winslow.

*Town of Winslow, ME
Friday, October 5, 2018*

Chapter 2. Administration

[HISTORY: Adopted by the Town Council of the Town of Winslow as indicated in article histories. Amendments noted where applicable.]

Article I. Town Committees

[Adopted 9-11-1972 by Ord. No. 26-1972]

§ 2-1. Terms.

- A. Committees appointed by the council shall serve until their successors are appointed by the Town Council.
- B. Any member serving on a committee where an expiration date has not been determined by the council or the Charter shall serve for a term of three years.

Article II. Parks and Recreation Department

[Adopted 11-12-1973 by Ordinance]

§ 2-2. Parks and Recreation Department; functions.

- A. A department of parks and recreation shall be established for the Town.
- B. The functions of this Department shall be:
 - (1) To formulate and implement plans relative to the development, maintenance, and improvement of playgrounds, parks, and/or other recreational areas; and
 - (2) To formulate and implement recreational programs.

§ 2-3. Director; appointment; duties.

[Amended 7-10-1978 by Ord. No. 6-1978]

- A. A director, appointed by the Town Manager and confirmed by the council, shall administer the department of parks and recreation. In his administration of this department, the director shall be responsible to the Town Manager in all matters. The position of the director of parks and recreation shall be a part-time position.
- B. The Director shall:
 - (1) Prepare the Department budget, giving consideration to the recommendations of the Board of Parks and Recreation;
 - (2) Administer the financial matters of the department;

- (3) Formulate and carry out recreational programs for the benefit of the Town's citizens;
- (4) Cooperate with other departments and agencies;
- (5) Supervise the maintenance and improvement of all recreational lands and facilities within the Town;
- (6) Formulate, with the advice of the Board of Parks and Recreation, long-range plans for programs and facilities relating to recreational needs of the citizens of the Town;
- (7) Make periodic reports, as requested by the Town Manager, on the operation of the department;
- (8) Keep necessary records as directed by the Town Manager for the management and administration of his department; and
- (9) Act as secretary to the Board of Parks and Recreation, attending meetings as a nonvoting member.

§ 2-4. Conservation Commission recommendations.

The director shall seek the advice and recommendations of the conservation commission relative to landscaping, trees, plants, land soils, wildlife, and other pertinent ecological considerations, in the planning, development, and maintenance of lands or waters being used for recreational purposes.

§ 2-5. Board of Parks and Recreation; membership; term; vacancies.

[Amended 12-11-1978 by Ord. No. 18-1978]

- A. The Board of Parks and Recreation shall consist of five members to be appointed by the Town Council. The terms of such board members shall be staggered, one member being appointed for one year, two members for two years, and two members for three years, and thereafter the term of each new member shall be three years.
- B. Vacancies occurring prior to the expiration of a term shall be filled by the council for the period of time necessary to complete the unexpired term.

§ 2-6. Board; officers; by-laws; procedures; minutes; annual report.

The board shall elect officers, adopt its own by-laws and standard operational procedures. The board shall keep minutes of all meetings. Copies of minutes will be distributed to the members of the council. The board shall make an annual report to the council.

§ 2-7. Board; duties.

- A. The duties of the Board of Parks and Recreation shall be to:
 - (1) Advise the director of the Parks and Recreation Department as to the operation of recreational programs;
 - (2) Formulate long range plans for lands and physical facilities deemed desirable for the recreational benefit of the citizens of the Town;
 - (3) Determine new programs needed by the Town, and report these to the director for consideration; and
 - (4) Aid the director in the preparation of the department's budget.

§ 2-8. Expenditure of funds.

All funds appropriated for the department of parks and recreation shall be expended as provided by Town policies, under supervision of the Town Treasurer.

§ 2-9. Equipment, usage.

Equipment of any kind purchased or donated to the department of parks and recreation shall remain the property of the Town. Use of this equipment by other departments is allowed with reimbursement on a pro-rated basis as established by Town fiscal policies.

§ 2-10. Enforcement of article; personnel policies.

Enforcement of this article shall be the duty of the Town Manager, who shall follow the general policy of the Town. Personnel employed by the department of parks and recreation shall be subject to the general employment policies as adopted by the council.

Article III. Planning Board

[Adopted 12-10-1973 by Ord. No. 33-1973]

§ 2-11. Planning Board; establishment.

A Planning Board shall be established for the Town.

§ 2-12. Advisory status; submission of regulations to council.

- A. The Planning Board shall be an advisory board established for the purpose of advising the council on all matters pertaining to land subdivision, zoning ordinances, zoning adjustments, comprehensive planning, and any other planning duties that the council may specifically delegate to the Planning Board.
- B. All regulations pertaining to subdivisions promulgated by the Planning Board shall be submitted to the council for approval prior to implementation.

§ 2-13. Board; appointment; composition; residency; term; vacancies.

- A. Appointments to the board shall be made by the council. The board shall consist of five members and two associate members. An associate member shall have voting privileges only in the absence of a regular member and authorized to vote by the chairman of the Planning Board.
- B. All members shall be qualified voters residing in the Town.
- C. The term of each member and associate shall be for five years in staggered terms.
- D. The Council shall fill any vacancy by appointment to fill the unexpired term.

§ 2-14. Notice of de facto vacancy.

A notice of de facto vacancy due to absence of a member or an associate, of 40% of the regular board meetings in 12 consecutive months may be referred to the council after a majority vote of the Planning Board at a regular meeting.

§ 2-15. Meetings; place; special.

The Planning Board shall establish by board resolution a regular place and time for holding its regular meetings. The meetings shall be at least once a month. The board shall also provide a method for calling special meetings. All meetings of the board shall be open to the public.

§ 2-16. Quorum; notice of meeting.

The majority of the Planning Board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time. At least eight hours' notice of the time and place of holding such adjourned meeting shall be served on all members who were not present at the meeting from which adjournment was taken.

§ 2-17. Board officers.

The Planning Board shall annually select a chairman, vice-chairman, and secretary.

§ 2-18. Procedures.

The board shall adopt procedures for conducting its business.

§ 2-19. Minutes as record.

The Planning Board shall maintain, as a permanent record, the minutes of its meetings and proceedings at public hearings. A copy of the minutes of all meetings and proceedings shall be forwarded to the council.

§ 2-20. Annual report.

The Planning Board shall advise the council annually of its planned activities for the coming year along with applicable recommendations.

Article IV. Public Cemeteries

[Adopted 10-11-1972 by Ord. No. 24-1972]

§ 2-21. Board of Trustees; designation.

A Board of Trustees shall be appointed by the council to be in charge of the administration of all public cemeteries located within the Town limits. The trustees to be referred to as the "trustees of Winslow's public cemeteries" or, in this Code, as the "trustees."

§ 2-22. Appointments; qualifications.

A. The trustee shall be elected and appointed by the council and shall possess the following qualifications:

- (1) A resident of the Town;
- (2) A tax-payer of the Town;
- (3) A registered voter in the Town; and
- (4) A person of good moral character and reputation.

§ 2-23. Number of trustees; terms; vacancies.

- A. The council shall set the number of trustees at three. The trustees terms of office shall run for six years, such terms to be staggered.
- B. The trustee shall remain in office unless the office is vacated due to a valid and just reason, or unless removed for just cause. The council may then appoint a successor to finish the unexpired term.
- C. All periods of office shall begin at the time of confirmation. A trustee may be reappointed to serve another term at the wish of the council.

§ 2-24. Trustees' authority; superintendent; duties; operation.

- A. The trustees shall have the full authority to establish all rules and regulations for all public cemeteries in the Town. Before the rules and regulations become effective, the rules and regulations shall be approved by the council. All rules and regulations set forth shall comply with the laws of the state.
- B. The trustees shall act through their chairman who will be the Town public cemeteries superintendent who will be responsible for all administrative details. The trustees shall delegate to the superintendent the authority to supervise all burials, interment and disinterment, as allowed under the laws of the state. A record will be maintained at all times. This record shall be given to the Board of Trustees upon their request.
- C. The trustees will receive all funds and other money, pay all accounts payable, and maintain the record of the funds through the superintendent of the public cemeteries.
- D. The Town Clerk shall be responsible for the preservation of the records, which will be submitted to the council annually.
- E. The trustees shall submit an annual report to the council. This report, after acceptance by the council, shall be included in the annual Town report.
- F. The trustees are authorized to sell burial lots, issue deeds for the sale, in the name of the Town. The trustees shall maintain the record of all transactions.
- G. The superintendent shall have full supervision, maintenance, and care of the public cemeteries and will be answerable to the trustees for all of his actions and deeds.

§ 2-25. Cemetery funds; gifts, monies, and other consideration.

- A. All gifts, monies, and other consideration received or tended to the Town in trust or with special stipulation for the benefit of the Town public cemeteries shall be subject to the acceptance of the trustees. Such considerations shall be kept in a separate fund known as the "perpetual care fund." These funds shall be invested at the discretion of the trustees with the approval of the Town Treasurer.
- B. All gifts, monies and other consideration received or tended to the Town without any specifications intent shall be placed in the cemetery fund. The money received from the sale of lots shall also be placed in the

cemetery fund. The cemetery fund may be expended by the trustees for development and maintenance of cemeteries. The cemetery funds and records shall be audited yearly by the Town auditor.

Article V. Municipal Library Code

[Adopted 6-4-1999 by Ord. No. 2-1999; amended in its entirety 12-14-2015 by Ord. No. 12-2015]

Mission Statement:

We welcome and support all people in their enjoyment of reading and pursuit of lifelong learning. Working together, we strive to provide equal access to information, ideas and knowledge through books, programs and other resources. We believe in the freedom to read, to learn to discover.

Board of Trustees:

§ 2-26. Establishment.

The Town of Winslow hereby establishes the Winslow Public Library Board of Trustees.

§ 2-27. Purpose.

The purpose of the Winslow Public Library Board of Trustees is to represent the citizens of the Town as the governing board of the library.

§ 2-28. Appointments, term renewal, vacancy.

- A. The Board shall consist of six elected members. All members shall be residents of the Town.
- B. The term of office shall be three years on a staggered basis with two members elected at each annual municipal election. All terms shall start January 1st.
- C. In the event of the resignation or death of any trustee, inability to serve, or absence with unacceptable reasons from three regular consecutive meetings, the seat shall be declared vacant. The Town Council may appoint a member to serve for the remainder of the term.
- D. In the event no one runs for a position on the Board, the Town Council shall appoint a Board member to serve until the next regularly scheduled municipal election.

§ 2-29. Meetings.

- A. Regular meetings shall be held monthly except in July and August.
- B. Notice of the Trustees' regular meeting and agenda shall be sent to each trustee well in advance of each meeting, and shall be posted in full public view on the library's bulletin board for a reasonable time prior to the meeting, and should be posted in a local newspaper.
- C. Special meetings shall be called by the President or upon written request of at least two members or the Library Director.
- D. The meeting held in January of each year may be known as the annual meeting. The purpose of this meeting shall be the election of officers, namely the President, Vice President and Secretary, and to conduct other business that may need to come before the Board, after the election of officers.
- E. After review, copies of the budget must be submitted by the Library Director to the Town Manager for submission to the Town Council.

- F. A quorum is achieved with 1/2 of the Library Board of Trustees' membership plus one.
- G. All meetings are open to the public. Executive sessions may be held in accordance with the Maine Revised Statutes Annotated, but all votes must be in public.

§ 2-30. Officers.

- A. The trustees shall consist of the following officers: President, Vice President and Secretary, who shall be elected at the 1st regular meeting in January to serve for one year or until a successor shall be elected and qualified.

§ 2-31. Duties of officers.

The duties of the officers shall be as follows:

- A. The President shall preside at all the meetings of the trustees, appoint all committees, represent the trustees at appropriate public affairs, and shall maintain the dignity and efficiency of the trustees in all possible ways.
- B. The Vice President shall act in the official capacity of the Board of Trustees in the absence of the President.
- C. The Secretary shall keep a record of the proceedings of the trustees, shall read all official communications to the trustees, write correspondence as directed, keep on file all important letters and replies thereto.

§ 2-32. Elections.

- A. All officers shall be elected by nominations made from the floor at the 1st regular meeting in January. Elections shall be the first order of business at said meeting.
- B. The 1st meeting will be opened by the outgoing president, who will pass the gavel to the Library director, or designee, for the purpose of conducting the elections. Upon completion of elections, the new presiding president will continue the meeting.
- C. No elections shall be held unless a quorum is present.

§ 2-33. Gifts and donations.

The trustees are authorized to accept monetary gifts to be deposited into an account or accounts established from time to time by the trustees for the purpose of holding and investing said gifts. All gifts and income shall be managed to advance the best interests of the library, but in accordance with any terms or conditions imposed with the gift or bequest. Non-cash gifts may be accepted, except as listed below.

The following gifts may not be accepted without approval of the Town Council:

- A. Non-cash gifts of \$10,000 or more in value.
- B. Any gift of real estate.
- C. Any gift explicitly requiring, or likely to create, an unusual burden or cost to accept or maintain.

§ 2-34. Library Board of Trustees.

- A. It shall be the duty of each trustee of the board to take an active part in the direction of the library's programs and to act in whatever capacity may be needed to represent the community's interest.

- B. Any trustee is privileged to make an inspection of the library and equipment at any time and to bring a report before the Board.
- C. It is the duty of the trustees to determine the library's mission and to ensure that its purpose is being fulfilled.
- D. To work with professional staff as partners.
- E. To participate actively in the meetings of the Board of Trustees.
- F. To determine the operating policies, programs of the library and material selection policies.
- G. To make it a point to discuss the work of the library with citizens and community groups. Get reaction from the public relations program and solicit volunteers to assist at the library.
- H. To be acquainted with the tax resources of the community and secure adequate funds for the library program, including Capital Improvements.
- I. To be familiar with the recommended standards for public libraries in the following areas: buildings, grounds, collections and programs.
- J. Trustees shall familiarize themselves with Robert's Rules of Order and Parliamentary Law. Meetings shall be conducted and policies enacted within this framework.
- K. To develop long-range goals and advise the Town Council of all possible avenues of Federal and State grant and aid programs pertaining to the library.
- L. To report regularly to the Town Manager, Town Council and the general public.
- M. Trustees shall recommend to the Town Manager, a person or persons to be Library Director when a vacancy occurs.

Article VI. Senior Citizens Association

[Adopted 5-13-1974 by Ord. No. 35-1974]

§ 2-35. Association Board created; duties.

A board of directors shall be appointed by the Town to be in charge of the administration, supervision, and activities of the Senior Citizens Association for all senior citizens within the Town.

§ 2-36. Senior citizen defined.

In this article, "senior citizen" shall mean each and every person of any nationality, race or creed who has attained the age of 55 years or older and is a resident of the Town.

§ 2-37. Board; appointment; qualifications.

The directors shall be appointed by the council. The directors shall be residents of the Town and shall be of good moral character and reputation.

§ 2-38. Number of directors; terms; vacancies.

- A. The number of directors of the Senior Citizens Association shall be set at five.
- B. Their term of office shall be three years and such terms shall be staggered.
- C. The directors shall remain in office unless the office is vacated due to a valid and just reason, unless removed for just cause. The council may then appoint a successor to finish the unexpired term.
- D. All periods of office shall begin at the time of appointment. A director may be re-appointed to serve another term at the option of the council.

§ 2-39. Directors' authority; duties; records.

- A. The directors shall have the full authority to establish all rules and regulations for the Senior Citizens Association. However, before the rules and regulations become effective, the rules and regulations shall be approved by the council. All rules and regulations set forth shall comply with the laws of the state.
- B. The directors shall be the general supervisors of the Senior Citizens Association, and will be responsible for all administrative details. The directors will attend to all purchases in behalf of the Senior Citizens Association.
- C. The Town Treasurer shall supervise payments and the maintenance of the necessary record books. The records shall be retained in the Town office.

§ 2-40. Senior Citizens Association fund; gifts, monies, and other consideration.

- A. All gifts, monies, and other consideration received or tended the Town in trust or with special stipulation for the benefit of the Senior Citizens Association shall be subject to acceptance by the board of directors. Such considerations shall be kept in a separate fund known as the Winslow Senior Citizens Association fund. This fund shall be used or invested at the discretion of the directors, with the approval of the Town Treasurer. Any interest or gains received from any investment will remain the proceeds of the Senior Citizens Association. The "prudent man rule" shall prevail at all times on investments.
- B. All gifts, monies, and other consideration received or tended to the association without any specifications intent shall be placed in the Winslow Senior Citizens Association fund. The Senior Citizens Association fund may be expended by the directors with the approval of the Town Treasurer for any and all future developments and other authorized purposes of the Senior Citizens Association.

§ 2-41. Directors; compensation.

The board of directors shall receive no compensation for services rendered.

§ 2-42. Grants; approval required.

- A. The Senior Citizens Association is authorized, through the Town Treasurer, to apply for and receive federal, state, and/or private funds in grant form.
- B. Any project which exceeds \$1,000 shall have the approval of the council.

Article VII. Engineering Section

§ 2-43. Established.

An engineering, technical assistance and planning section is established within the administration department of the Town of Winslow. It will be staffed by a full-time civil engineer who has graduated from a four-year college with a degree in civil engineering or has the equivalence of six years of acceptable experience. The general duties and functions of the engineering section will be directed and supervised by the Town Manager.

Article VIII. Police

[Adopted 12-13-1999 by Ord. No. 3-1999; amended 7-12-2004 by Ord. No. 3-2004]

§ 2-44. Full time police officers.

The full time police officers who have met the requirements of 25 M.R.S.A. § 2804-C be authorized to perform any of the acts described in 17-A M.R.S.A. § 15 while the police officers are outside the limits of the Town of Winslow if, when possible, the law enforcement agency of a foreign municipality in which the arrest is to be made is notified in advance or, when not possible, the law enforcement agency of the foreign municipality in which the arrest has been made is notified immediately after the arrest.

Article IX. Emergency Management

[Adopted 1-8-2007 by Ord. No. 4-2006]

§ 2-45. Title.

This ordinance shall be known and may be cited and referred to as the "Emergency Management Ordinance of the Town of Winslow," authorized under Title 37-B M.R.S.A., § 782.

§ 2-46. Definition.

Emergency Management Director (EMD) shall mean the appointed Town official responsible for performing the four phases of Emergency Management (preparedness, response, recovery, and mitigation) and for liaison with Kennebec County Emergency Management Agency. This position was formerly called the Civil Defense Director.

§ 2-47. Establishment.

The Town of Winslow Office of Emergency Management (OEM) and the position of Emergency Management Director of the Town of Winslow are hereby created. The Town Manager of the Town of Winslow may appoint additional OEM staff members as needed.

§ 2-48. Appointment.

The Town Manager of the Town of Winslow shall appoint the Fire Chief as the EMD and may appoint the Police Chief as Deputy EMD.

§ 2-49. Oath of the Emergency Management Director.

Once the EMD has been appointed, the EMD shall take an oath of office before assuming any duties, pursuant to Title 30-A M.R.S.A., § 2526.

§ 2-50. Duties of the Emergency Management Director.

The EMD shall:

- A. Prepare and update a Hazard Risk and Vulnerability Assessment.
- B. Prepare and maintain the Town of Winslow Emergency Operations Plan.
- C. Organize, activate and operate the Town of Winslow, Emergency Operation Center (EOC).
- D. Prepare and maintain a list of disaster resources.
- E. Develop procedures for the operation of the Town of Winslow (EOC).
- F. Coordinate and maintain written disaster Mutual Aid Agreements with the approval of the Town Manager.
- G. Provide Emergency Management training to Town Officials, planners, and responders.
- H. Develop and implement a Disaster Exercise program.
- I. Attend County Local Emergency Planning Committee (L.E.P.C.) meetings.
- J. Provide Disaster Preparedness information to Town residents.
- K. Complete and report Damage Assessments to Kennebec County E.M.A.
- L. Complete and submit applications for FEMA disaster funds and grants.

§ 2-51. Membership of the Emergency Operations Center.

When directed by the EMD or Deputy EMD the EOC will be established and manned. In the absence of the EMD or Deputy EMD the Town Manager, chairperson of the Town Council or a designated Council Member may activate the EOC. The following Town officials may be included on the EOC staff:

- A. Town Manager.
- B. Town Council.
- C. Town Clerk and Treasurer.
- D. Code Enforcement Officer.
- E. Police Department Officials.
- F. Public Works Officials.
- G. Fire Department Officials.
- H. School Department Officials.
- I. Animal Control Officer.
- J. Scribe, and or a recorder.

§ 2-52. Establishment of the National Incident Management System (NIMS).

The Town of Winslow hereby establishes the National Incident Management System (NIMS) as the municipal standard for incident management. This system provides a consistent approach for Federal, State, and Municipal

governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity. NIMS will utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters. The NIMS Incident Command System (ICS) will be utilized by all Town of Winslow emergency and disaster responders for incident management.

§ 2-53. Training.

The EMD or Deputy EMD may take necessary training as provided by Kennebec County Emergency Management, Maine Emergency Management, and FEMA.

Article X. Personnel

[Adopted 8-14-1978 by Ord. No. 5-1978]

§ 2-54. Personnel rules and regulations adopted.

There is hereby adopted by reference the personnel rules and regulations, job descriptions, and pay scale schedule for Town employee positions of the Town of Winslow as enacted by Ordinance No. 5-1978, adopted August 14, 1978, as if fully set out herein.
Amended as follows:

Ord. No.	Date
1-1979	9-10-1979
2-1980	3-10-1980
2-1982	8-9-1982
2-1983	4-11-1983
1-1986	4-14-1986
6-1987	6-29-1987
3-1988	4-11-1988
8-1988	1-9-1989
2-1989	3-13-1989
5-1990	9-10-1990
1-1998	7-13-1998
4-2001	7-9-2001
8-2001	10-15-2001
5-2003	12-8-2003
3-2013	12-9-2013
2-2014	4-14-2014

A complete copy of the Personnel Policy can be found in Appendix A.^[1]

[1] *Editor’s Note: Appendix A is on file in the Town offices.*

Article XI. General Assistance

[Adopted 11-14-1983 by Ord. No. 7-1983]

§ 2-55. Adoption of rules and regulations.

The General Assistance rules and regulations as prepared by the Maine Municipal Association and adopted by the Town of Winslow with Ord. No. 7-1983, adopted November 14, 1983, in compliance with state law, are hereby adopted by reference as if set forth in full herein.

Amended as follows:

Ord. No.	Date
1-1985	1-13-1986
1-1988	2-8-1988
7-1989	1-8-1990
4-1991	11-4-1991
1-1992	2-10-1992
3-1992	7-13-1992
6-1993	10-4-1993
2-1998	12-14-1998
2-2001	5-14-2001
9-2001	12-10-2001
4-2002	11-12-2002
4-2003	11-10-2003
8-2005	11-14-2005
1-2007	2-12-2007
14-2007	11-13-2007
5-2008	12-8-2008
1-2009	5-11-2009
5-2009	11-9-2009
6-2010	10-12-2010
7-2011	11-14-2011
7-2012	7-9-2012
11-2012	11-10-2012
9-2015	11-9-2015
9-2016	10-11-2016
13-2017	11-13-2017

A complete Administration of General Assistance can be found in Appendix A.^[1]

[1] *Editor's Note: Appendix A is on file in the Town offices.*

Article XII. Addressing

[Adopted 3-11-1996 by Ord. No. 1-1996; amended 5-12-2003 by Ord. No. 2-2003]

§ 2-56. Purpose.

The purpose of this ordinance is to enhance the easy and rapid location of properties by law enforcement, fire, rescue, and emergency medical services personnel in the Town of Winslow.

§ 2-57. Authority.

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

§ 2-58. Administration.

This ordinance shall be administered by the CEO who is authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in §§ 2-59 and 2-60. The CEO shall also be responsible for maintaining the following official records of this ordinance:

- A. A Town map for official use showing road names and numbers.
- B. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers.
- C. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

§ 2-59. Naming system.

All roads that serve two or more properties shall be named regardless of whether the ownership is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. "Property" refers to any property on which a more or less permanent structure has been erected or could be placed. A road name assigned by the Town of Winslow shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

- A. No two roads shall be given the same name (e.g., no Pine Road and Pine Lane).
- B. No two roads shall have similar sounding names (e.g., Beech Street and Peach Street).
- C. Each road shall have the same name throughout its entire length.

§ 2-60. Numbering system.

Numbers shall be assigned along both sides of the road to fit the lot width in the zoning district in which they occur, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, ascending from the number origin.

The following criteria shall govern the numbering system:

- A. All number origins shall begin from Clinton Avenue. For dead-end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.
- B. The number assigned to each structure shall be that of the numbered interval falling closest to the front door or the driveway of said structure if the front door cannot be seen from the main road.
- C. Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy. For example, duplexes will have two separate numbers.
- D. Condos and apartments will have the complex name and one property number followed by an apartment number, such as 235 Maple Street, Apt 2 or Fontaine Oaks, 135 Halifax Street, Unit 1A.

§ 2-61. Compliance.

All owners of structures shall, by the date stipulated in § 2-63, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

- A. Number on the structure. Where the structure is within 50 feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the structure in the vicinity of the front door or entry.
- B. Number at street line. Where the structure is over 50 feet from the edge of the road right-of-way, the assigned number shall be displayed on the post, fence, wall, the mail box, or on some structure at the street property line adjacent to the walk or access drive to the numbered structure.
- C. Size and color of number. Numbers shall be minimum six inches high and be of the contrasting color to background.
- D. Every person whose duty is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this ordinance.
- E. Interior location. All residence and other occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.

§ 2-62. New development and subdivisions.

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

- A. New construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from the CEO. This shall be done at the time of the issuance of the building permit.
- B. New subdivisions. Any prospective sub-divider shall show a proposed road name and lot numbering system on the pre-application submission to the planning Board. Approval by the planning Board after consultation with the CEO shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots in the center of the streets every 50 feet so as to aid in the assignment or numbers to structures subsequently constructed.

§ 2-63. Effective date.

This ordinance shall become effective as of July 1, 2003. It shall be in the duty of the CEO to notify by mail each property owner and the Post Office of their new address at least 60 days prior to the effective date of their use. It shall be the duty of each property owner to post new property numbers, in accordance with this ordinance, on the stated date of effective use. On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever comes first.

§ 2-64. Enforcement.

The Code Enforcement Officer is authorized to institute or cause to be instituted, in the name of the Town, any legal and all legal or equitable relief, that may be appropriate or necessary for the enforcement of this chapter provided, however, that this section shall not prevent any person entitled to equitable relief enjoining any act contrary to the provisions of this chapter. The Code Enforcement Officer shall give notice of any impending legal action to the Town Council.

- A. The Code Enforcement Officer shall be given access to real estate in the Town at reasonable hours as necessary for the enforcement of this chapter.
- B. Any person being the owner or occupant of, having control of or use of, any building or premises, or part thereof, who violates any of the provisions of this chapter shall be guilty of a civil violation and upon

conviction thereof, shall be fined not less the \$50 nor more than \$1,000. Each day such violation continues shall constitute a separate offense.

Article XIII. Winslow Board of Assessment Review

[Adopted 7-12-1976; amended 7-8-1996 by Ord. No. 2-1996]

§ 2-65. Authority of Board.

- A. The Winslow Board of Assessment Review (hereinafter "Board") receives its authority to review and grant tax abatements pursuant to State law [36 M.R.S.A., § 843(1-A), (2), and 844-N] and is hereby created and empowered by the Winslow Town Council for such purpose under Title 36 M.R.S.A., § 471-A. If the majority of the Board determines that a taxpayer has been over-assessed, the Board shall grant such reasonable abatement as the Board thinks proper.

§ 2-66. Organization of Board.

- A. Establishment of Board. The Board shall consist of five members appointed by the Town Council for staggered terms of three years, except that the initial terms shall be two members for three years, two members for two years, and one member for one year, with each position being appointed for three years thereafter. Any vacancy shall be filled by appointment of the Town Council for the unexpired term. The staggered terms of office for each initial Board member shall be determined by rule of the Board.
- B. Board qualifications. Board members shall be appointed upon the basis of their knowledge of taxation and property values. Each Board member shall be a resident of the Town at the time of his/her appointment and must continue as a resident during his/her term to continue to qualify as a Board member. If a Board member terminates his/her residence in the Town, his/her position shall become vacant.
- C. Chairman/Secretary. The Board shall annually choose a Chair and a Secretary from its membership.
- D. Board official duties. The members of the Board, in carrying out their official duties, shall act in a quasi-judicial capacity, acting fairly, independently, and impartially. The Board's findings of fact and determinations of each case shall be based only upon evidence presented to the Board in its public proceedings which shall become the record in the case. Generally, the record shall consist of the application for abatement, the Assessor's and taxpayer's evidence presented before the Board, exhibits offered, any stipulations of the parties, and, if the Board desires, an inspection of the property.

§ 2-67. Procedure.

- A. Meeting/quorum. The Chair shall call all meetings of the Board as required. A quorum of the Board necessary to conduct an official Board meeting shall consist of at least three members. The Chair shall preside at all meetings of the Board and be the official spokesperson of the Board. When not inconsistent with applicable State law, Town ordinance or Board rules, Robert's Rules of Order shall guide the Board's procedures and deliberations; however, the Chair may waive any rule upon good cause shown. The Board shall give ample notice of all meetings and its meetings shall be open to the public.
- B. Board records. The activities of the Board and its records are governed by the Maine Right to Know Law (1 M.R.S.A., § 401, et seq.) The Secretary to the Board shall maintain a permanent file of all documents submitted and correspondence of the Board as part of the various proceedings which may be brought before the Board. All Board records and recording tapes-are deemed public, shall be maintained at the Assessor's Office for a reasonable amount of time, and may be inspected or listened to at reasonable times pursuant to Town procedures. Anyone desiring a copy of any record or transcript of the tapes of the Board's meetings shall pay in advance the cost of duplication or transcription pursuant to Town procedures.

- C. Conflict of interest. Any question 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 other members present and voting.
- D. Application. To initiate an abatement appeal the applicant must have filed a timely written application to the Town Assessor, must have received a written denial from him/her, or otherwise the expiration of 60 days from the date the application for abatement was received by the Assessor must have expired if no written denial was given (unless the applicant and the Assessor shall have consented in writing to further delay) whereby the application to the Assessor is deemed denied, and the applicant must then file a written appeal to this Board within 60 days thereafter. Appeal forms shall be available in the Assessor's office, which forms shall provide the name and address of the appealing party, a description of the property involved, the amount assessed by the Assessor, and the amount the applicant requests as the proper assessment to be and the reasons therefore. The application to this Board shall be filed with the Assessor who shall present the same to the Board, and the Board shall schedule a hearing on the appeal within a reasonable time.
- E. Evidence. The Board may receive any oral or documentary evidence but shall exclude irrelevant, immaterial, or unduly repetitious evidence. Every party shall have the right to present his/her case or defense by oral or documentary evidence and witnesses, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. The Board may continue any hearing to obtain additional information or clarification of the facts or legal issues involved; provided, however, that once scheduled, a hearing may not be continued except for good cause or as fairness requires as determined by the Board.
- F. View of the property. If a majority of the Board deems it necessary, the Board may view or inspect the property in issue. At any inspection of the property, the Taxpayer and the Assessor (and legal counsel, if any) shall have the right to be present. No evidence or testimony shall be offered at the inspection, but both parties may nevertheless call to the attention of the Board those characteristics of the property which they wish the Board to observe but without further comment. A summary of the inspection shall be made by the Board on the record at the next scheduled meeting of the Board, and either party may at that time offer his/her own summary of the inspection for the record.
- G. Infirmary or poverty of taxpayer. The Board is without the power to grant abatements to those who, by reason of infirmity or poverty, are unable to pay property taxes assessed, and therefore evidence of the applicant's financial, difficulties or inability to pay taxes on time is irrelevant.
 - (1) Other rules. The Board shall make such other reasonable rules of procedure from time-to-time as it deems advisable.

§ 2-68. Decision and further appeal.

- A. Time of decision.
 - (1) The Board may render a written decision on all applications within 60 days from the date the application is filed, unless the applicant and the Board agree in writing to further delay. If the Board renders a written notice of decision, it shall mail or hand-deliver such to all parties within 10 days of the Board's decision. If the Board should fail to give written notice of its decision within 60 days, the application shall be deemed denied as if there had been a written denial and the applicant may appeal to Superior Court under Title 36 M.R.S.A., § 843(2); or under 36 M.R.S.A., § 843(1-A) for non-residential property with an equalized valuation of \$1,000,000 or greater, an intermediate tax abatement appeal may be taken to the State Board of Property Tax Review prior to an appeal to the courts.
 - (2) The Board may close the hearing after all evidence has been submitted and continue its deliberations until the next meeting of the Board. All deliberations of the Board on all appeals shall be held in public at its meetings.
 - (3) If the Board chooses to render a written decision, the Board shall issue it to the Taxpayer with a copy to the Assessor and the Town Manager. The written decision shall set forth the Board's findings of facts

and reason or reasons for its decision which are sufficient to apprise the applicant, the Town, and any interested member of the public of the basis of the decision.

Article XIV. Property Assessed Clean Energy (PACE) Ordinance

[Adopted 10-12-2010 by Ord. No. 4-2010]

§ 2-69. Purpose and enabling legislation.

- A. Purpose. By and through this Ordinance, the Town of Winslow declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy ("PACE") program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town. The Town declares its purpose and the provisions of this Ordinance to be in conformity with federal and State laws.
- B. Enabling legislation. The Town enacts this Ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature — "An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses," also known as "the Property Assessed Clean Energy Act" or "the PACE Act" (codified at 35-A M.R.S.A. § 10151, et seq.).

§ 2-70. Title and definitions.

- A. Title. This chapter/Ordinance shall be known and may be cited as "the Town of Winslow's Property Assessed Clean Energy (PACE) Ordinance" (the "Ordinance").
- B. Definitions. Except as specifically defined below, words and phrases used in this chapter/Ordinance shall have their customary meanings; as used in this Ordinance, the following words and phrases shall have the meanings indicated:

ENERGY SAVING IMPROVEMENT

An improvement to qualifying property that is new and permanently affixed to qualifying property and that:

- (1) Will result in increased energy efficiency and substantially reduced energy use and;
- (2) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or
- (3) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or
- (4) Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.

MUNICIPALITY

Town of Winslow.

PACE AGREEMENT

An agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.

PACE ASSESSMENT

An assessment made against qualifying property to repay a PACE loan.

PACE DISTRICT

The area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality's boundaries.

PACE LOAN

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

PACE MORTGAGE

A mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.

PACE PROGRAM

A program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.

QUALIFYING PROPERTY

Real property located in the PACE district of the Municipality.

RENEWABLE ENERGY INSTALLATION

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

TRUST

The Efficiency Maine Trust established in 35-A M.R.S.A. § 10103 and/or its agent(s), if any.

§ 2-71. PACE Program.

- A. Establishment; funding. The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that:
 - (1) Adopt a PACE Ordinance;
 - (2) Adopt and implement a local public outreach and education plan;
 - (3) Enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust's administration of the municipality's PACE program; and
 - (4) Agree to assist and cooperate with the Trust in its administration of the municipality's PACE program.
- B. Amendment to PACE Program. In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

§ 2-72. Conformity with the requirements of the Trust.

- A. Standards adopted; rules promulgated; model documents. If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality's adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take

necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

§ 2-73. Program administration; municipal liability.

A. Program administration.

- (1) PACE administration contract. Pursuant to 35-A M.R.S.A. § 10154(2)(A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:
 - (a) The Trust will enter into PACE agreements with owners of qualifying property in the Municipality's PACE district;
 - (b) The Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;
 - (c) The Trust, or its agent, will disburse the PACE loan to the property owner;
 - (d) The Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;
 - (e) The Trust, or its agent, will be responsible for collection of the PACE assessments;
 - (f) The Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;
 - (g) The Municipality, or the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.
- (2) Adoption of education and outreach program. In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.
- (3) Assistance and cooperation. The Municipality will assist and cooperate with the Trust in its administration of the Municipality's PACE program.
- (4) Assessments not a tax. PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

B. Liability of municipal officials; liability of municipality.

- (1) Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.
- (2) Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article VI, § 1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

Article XV. Tax Acquired Property

[Adopted 7-11-2011 by Ord. No. 6-2011]

§ 2-74. Procedure for acquisition of tax foreclosed real property by previous owner.

- A. The tax collector will send a letter outlining the provisions of this ordinance by certified mail to the previous owner of foreclosed property within 30 days after the foreclosure date. The failure of the certified mail to be claimed or otherwise received will not affect the time deadlines established by this ordinance.
- B. To reacquire the property the previous owner must pay all past due taxes, interest and costs, all taxes for the present fiscal year and the amount of the taxes as estimated by the Assessor for the coming fiscal year within 90 days of the date of the letter.
- C. No payment plans will be accepted. All of the taxes, interest and collectable costs must be paid in full. Late payments will not be accepted.
- D. If all of the taxes, interest and collectable costs are paid by the deadline, the Town will issue a quitclaim deed to the previous owner of record. The issuance of a quitclaim deed may be conditioned upon performance of necessary repairs to bring the property into compliance with current codes as determined by the code enforcement officer.
- E. The failure of the previous owner to strictly meet all of the requirements of this ordinance extinguishes any right to reacquire the property.

§ 2-75. Procedure for acquisition of sewer lien foreclosed real property.

[Amended 12-9-2013 by Ord. No. 2-2013]

- A. The Town Treasurer will send a letter outlining the provisions of this ordinance by certified mail to the previous owner of foreclosed property within 30 days after the foreclosure date. The failure of the certified mail to be claimed or otherwise received will not affect the time deadlines established by this ordinance.
- B. To reacquire the property the previous owner must pay all past due sewer charges, interest and costs, all sewer charges for the present sewer year and the amount of the sewer charges as estimated by the Town Treasurer for the coming sewer year within 90 days of the date of the letter.
- C. No payment plans will be accepted. All of the sewer charges, interest and collectable costs must be paid in full. Late payments will not be accepted.
- D. If all of the sewer charges, interest and collectable costs are paid by the deadline, the Town will issue a quitclaim deed to the previous owner of record. The issuance of a quitclaim deed may be conditioned upon performance of necessary repairs to bring the property into compliance with current codes as determined by the code enforcement officer.
- E. The failure of the previous owner to strictly meet all of the requirements of this ordinance extinguishes any right to reacquire the property.
- F. This ordinance applies to all sewer lien foreclosures taking place on or after January 1, 2013.

§ 2-76. (Reserved)

Article XVI. Financial

[Adopted 10-15-2013 by Ord. No. 1-2013]

§ 2-77. Post-issuance compliance policy for tax-exempt obligations.

- A. Title and definitions. This post-issuance compliance policy establishes procedures and guidelines to be followed with respect to the Town of Winslow's outstanding Tax-exempt Obligations and tax Credit Obligations.

TAX CREDIT OBLIGATIONS

All tax credit bonds and direct pay bonds that provides a tax credit to the holders thereof or a direct pay bond issued under the Code, including but not limited to Sections 54, 54A, 54AA, 1394, 1400U-2, 1400U-3, and 6431 or other similar provision of the Code.

TAX-EXEMPT OBLIGATIONS

All tax-exempt bonds, notes and lease-purchase contracts and other evidences of indebtedness the income on which is excludable from the gross income of the holders thereof under Section 102 of the Internal Revenue Code of 1986, as amended (the "code").

- B. Compliance officer; consultation and training. The Town Treasurer (the "Compliance officer") shall be responsible for monitoring post-issuance compliance with respect to the Town's Tax-exempt and Tax Credit Obligations to monitor for compliance with this policy.
- (1) Unless a shorter time-frame is specified below, the Compliance Officer shall annually review each of the Town's Tax-exempt and Tax Credit Obligations to monitor for Compliance with this Policy.
 - (2) The Compliance Officer shall consult with the Town's bond counsel and/or its financial advisor and a rebate consultant as necessary to meet the requirements of this policy.
 - (3) The compliance Officer will be trained to implement this Policy.
 - (a) The Compliance Officer will avail himself of training that may become available through the Maine Municipal Association or through consultation with its accountants and its Bond Counsel or other suitable source of information.
- C. Closing transcripts; Form 8038-G; Form 8038-TC. The Compliance Officer shall maintain a copy of the transcript of proceedings for each Tax-exempt and Tax-credit Obligation issued by the Town. If not included in the closing transcript, the Compliance Officer shall also maintain records required to be maintained to qualify for the safe harbor for investment contracts or defeasance escrows and to identify any qualified hedge contract on the Town's books and records. The Compliance Officer shall confirm the proper filing of an 8038-G, 8038-TC or other applicable Form 8038 return for each Tax-exempt and Tax Credit Obligation issued by the Town by no later than the 15th day of the second calendar month after the close of the calendar quarter during which bonds are issued.
- D. Deposit and use of proceeds; arbitrage compliance. The Compliance Officer shall:
- (1) Identify or provide for the computation of the bond yield for each Tax-exempt and Tax Credit Obligation issued by the Town.
 - (2) Identify appropriate funds and accounts to track the deposit and use of the sale proceeds and investment proceeds of each Tax-exempt and Tax Credit Obligation issued by the Town.
 - (3) Identify any fund or account that may be expected to be used to pay debt service on each Tax-exempt and Tax Credit Obligation issued by the Town.
 - (4) Maintain records of all investments and expenditures from such funds and accounts and record whether investments were purchased at a fair market value and whether they were purchased on a negotiated basis or were put out for bid. If by bid, obtain all documentation relating to whether there was compliance with the bidding rules established for the specific investment. Consult with Bond Counsel, if needed.

- (5) Make a final allocation of the proceeds of any Tax-exempt and Tax Credit Obligation to expenditures by no later than (i) 18 months after the later of the date the expenditure was made or (ii) the date the project being financed was placed in service. Notwithstanding the foregoing, the final allocation shall be made not later than the earlier of five years after the particular Tax-Exempt or Tax Credit Obligations was issued or 60 days after the issue is retired.
 - (6) Determine whether each Tax-exempt or Tax Credit Obligation meets the requirements of any applicable exception to arbitrage rebate, including the "small issuer" exception to arbitrage rebate or the semi-annual target dates for the six-month, eighteen-month, or twenty-four-month spending exception to arbitrage rebate.
 - (7) Consult with Bond Counsel to identify and monitor any proceeds of a Tax-exempt or Tax Credit Obligation that must be invested in yield restricted investments following the expiration of any applicable temporary period or spending period.
 - (8) In the event the Town fails to meet the requirements of the applicable temporary period, spending period or exception to rebate:
 - (a) Arrange for the timely calculation and payment of any rebate liability or yield reduction payment, if available and as applicable.
 - (b) Establish a calendar of each date for each of the City's bond issues that the City will be required to make any rebate payment to the United States (generally, every five years and upon final payment of all bonds). Such a calendar must recognize that the dates of any required rebate payment to the United States must be adjusted to reflect any redemption date of a bond issue prior to final maturity.
 - (c) Ensure that if rebate is due, the first rebate installment is paid and a Form 8038-T is filed by the fifth anniversary of the issue date of the particular Tax-Exempt or Tax Credit Obligation plus 60 days and each fifth anniversary thereafter until the final maturity date or earlier redemption date plus 60 days.
- E. Proper use of bond financed property. The Compliance Officer shall:
- (1) Maintain a record of all bond financed property and the proceeds of any Tax-exempt or Tax Credit Obligation spent on each such bond financed property.
 - (2) Monitor all non-public use of any property financed with the proceeds of any Tax-exempt or Tax Credit Obligation and confer with Bond Counsel as appropriate. Such non-public use may arise out of some of the following arrangements: non-qualified management or research contracts (refer to Rev. Procs. 97-13 and 97-14), leases (including leases to the Federal Government), naming rights, or the sale, disposition or other change in use of such property.
 - (3) Maintain copies of any non-public use arrangement.
 - (4) Keep a record of the payments to be derived from operation of the property financed with the proceeds of any Tax-exempt or Tax Credit Obligation and whether such property secures the payment of any Tax-exempt or Tax Credit Obligation.
 - (5) With respect to any property financed with any Tax-exempt or Tax Credit Obligation, monitor for approval prior to execution:
 - (a) Any lease, sales contract or other disposition of such property.
 - (b) Any naming rights, sales or licensing contract; management or service contract, research contract; output contracts; cell phone tower agreements; solar power contracts or windmill-generation contracts of such property.

- (c) Immediately upon the execution of any such arrangement or other disposition that constitutes a non-public use, and in all events no less than annually during the term of any Tax-exempt or Tax Credit Obligation, calculate the amount of non-public use and payments with respect to such property.
- (6) In the event the Town takes an action which causes the private activity bond tests to be met, contact bond counsel and take all actions necessary to ensure timely remedial action under the applicable IRS Regulation.
- F. Continuing disclosure. The Compliance Officer shall file the annual financial statements and other financial information and operating data and shall provide notice of any material events as required by any continuing disclosure certificate delivered by the Town with respect to any Tax-exempt or Tax Credit Obligation.
- G. Significant modification. The Compliance Officer shall evaluate all modifications to any of the Town's Tax-Exempt or Tax Credit Obligations to determine whether such modifications result in a reissuance and, if such modifications do result in a reissuance, to take all actions necessary to maintain the tax-exempt status of the Tax-Exempt Obligation or the tax advantaged status of the Tax Credit Obligation.
- H. Retention of records. The closing transcript for each Tax-Exempt and Tax Credit Obligation and other records to be retained pursuant to this Policy shall be maintained until three years after said Tax-exempt or Tax Credit Obligation (or obligations issued to refund such Tax-exempt or Tax Credit Obligation) has been retired. If records and materials to be maintained under this Policy are kept in electronic format, the record system shall comply with the requirements of Rev. Proc. 97-22, as such may be amended, modified, superseded or replaced.

Article XVII. Agricultural Commission Charter

[Adopted 5-12-2014 by Ord. No. 4-2014]

§ 2-78. Purpose.

By and through this Ordinance, the Town of Winslow declares as its public purpose to review and enhance municipal policies, practices, and ordinances relating to agriculture, with a goal of ensuring that the Town is friendly to agriculture while continuing to protect the health, safety and welfare of all residents.

§ 2-79. Organization of Commission.

The commission shall be comprised of 5 - 7 members appointed for three-year terms by the Town Council. Members shall represent a broad spectrum of active and retired farmers, and include a representative from the Planning Board and one or more residents with knowledge of forest management.

§ 2-80. Agricultural Commission roles and responsibilities.

- A. Act as an advisory and recommending body to the Town Council, Planning Board and other municipal committees on matters relating to agriculture and managed woodlands in our community.
- B. Implement the recommendations, as approved by the Town Council, from the Agriculture Working Group's Cultivating Winslow's Agricultural Future report to the Town Council dated March 2014.
- C. Periodically review the comprehensive plan and land use ordinances for provisions that relate to farming in order identify potential barriers for farming and identify opportunities to modify the documents to better support farming.

- D. Propose modifications or amendments to the comprehensive plan and ordinances to better support farming while protecting the health, safety and welfare of all residents.
- E. Recommend and facilitate broad public participation in changes to municipal policies and ordinances that affect farming, and provide multiple opportunities for public input as each change is proposed.
- F. Research methods other communities are using to support agriculture and share information and ideas with community leaders.
- G. Sponsor events related to local farming such as community suppers, farm forums or workshops, or a harvest festival.
- H. Facilitate as practicable the distribution of locally grown food to schools, families, institutions and those dealing with food insecurity,
- I. Work with the Parks and Recreation Committee to manage the Winslow Community Garden.

§ 2-81. Procedures.

The following guidelines and procedures are intended to guide the Agricultural Commission in fulfilling its roles and responsibilities.

- A. The Commission should elect a chair and agree to a committee structure and process for decision-making.
- B. A detailed work plan and timeline will be developed that reflects any priorities agreed to by the Commission members. This work plan and timeline will be distributed to the Town Council, Planning Board and other committees as appropriate for comments.
- C. The Commission should strive to achieve consensus on all recommendations while remaining sensitive to diverse citizen views.
- D. The commission should keep any proposed changes or amendments to municipal documents as simple and straightforward as possible while ensuring that all proposed changes meet minimum State requirements for land use regulation.
- E. All meetings of the Commission must be posted with required public notice and open to the public with the appropriate level of public participation to be decided by the Commission. At a minimum, an opportunity for public comment should be provided at each meeting.
- F. Written minutes of each Commission meeting must be available to the Public.
- G. An annual report of the Commission's activities must be prepared and presented to the Town Council, and included in the annual Town report.

Article XVIII. Excise Tax

[Adopted 6-9-2014 by Ord. No. 6-2014]

§ 2-82. Authority.

This ordinance is enacted pursuant to 36 M.R.S.A. § 483A, which expressly authorizes such ordinances.

§ 2-83. Excise tax exemptions and qualifications.

- A. Vehicles owned by a resident of this municipality who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days and who desires to register that resident's vehicle(s) in this State are hereby exempted from the annual excise tax imposed pursuant to 36 M.R.S.A. § 1482.
- B. To apply for this exemption, the resident must present to the municipal excise tax collector certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days.
- C. For purposes of this section, "United States Armed Forces" includes the National Guard and the Reserves of the United States Armed Forces.
- D. For purposes of this section, "deployed for military service" has the same meaning as in 36 M.R.S.A. § 814(1) (A).
- E. For purposes of this section, "vehicle" has the same meaning as in 36 M.R.S.A § 1481(5) and does not include any snowmobiles as defined in 12 M.R.S.A § 13001.

§ 2-84. Effective date and duration.

This Ordinance shall take effect on April 1, 2014. Any qualifying resident may receive reimbursement of excise tax paid on or after April 1, 2014.

Article XIX. Voluntary Municipal Farm Support Program (VMFSP)

[Adopted 5-9-2016 by Ord. No. 3-16]

§ 2-85. Program.

A complete copy of this can be found in Appendix A.^[1]

[1] *Editor's Note: Appendix A is on file in the Town offices.*

*Town of Winslow, ME
Friday, October 5, 2018*

Chapter 3. Animals

[HISTORY: Adopted by the Town Council of the Town of Winslow as indicated in article histories. Amendments noted where applicable.]

Article I. Dogs

[Adopted by Town Warrant, 1969, Art, 20]

§ 3-1. License required; owner and dog defined.

- A. No dogs shall be kept within the limits of the Town, unless such dog has been licensed by its owner in accordance with the statutes of the state.
- B. Owner shall mean any person or persons, firm, association or corporation owning, keeping, sheltering or harboring a dog.
- C. Dog shall mean a member of the genus and species known as *canis familiaris* and those animals meeting the definition of wolf hybrid.

§ 3-2. Vaccination required; penalty.

- A. No owner of any dog older than six months, less one day, shall keep or maintain such dog unless it has been vaccinated by a veterinary surgeon with anti-rabies vaccine, within one year preceding the date on which such dog is kept or maintained.
- B. Any person found violating this section shall be fined not less than \$10, nor more than \$25, plus costs of prosecution.

§ 3-3. Dogs running at large prohibited; definition.

- A. No person shall permit any dog licensed or unlicensed to run at large.
- B. At large shall mean off the premises of the owner, and not under the control of any person by means of a chain, rope, or cord of sufficient strength to control the action of the dog (or such other personal presence and attentions as will reasonably control the conduct of such dog).

§ 3-4. Dangerous dogs.

[Amended by Town Warrant 1961, Art. 79; 11-14-2016 by Ord. No. 13-2016]

- A. Dangerous Dog shall mean a dog declared to be a dangerous dog by a court of law.
- B. Permit required. No person shall knowingly sell, own, offer for sale, breed, possess, keep, or attempt to buy, or train a dangerous dog within the Town unless the owner has received proper permits and/or authorizations pursuant to this article.

- C. Keeping of dangerous dogs. The owner of a dangerous dog shall be required to:
- (1) Register the dangerous dog with the ACO and must provide the ACO with a copy of The court order declaring the dog as a dangerous dog within 10 days of the court's decision; and
 - (2) Provide the ACO with proof of liability insurance in an amount not less than \$300,000 covering bodily injury or death of any person or animal, or for damages any person's or entity's property, resulting from the keeping of such dangerous dog(s); and
 - (3) Provide to the ACO the owner's full name and address, breed, age, sex, color, and any other identifying marks of said dog; the location where the dog is to be kept if not at the address of the owner; two color photographs of the dangerous dog; and the aforementioned certificate of liability insurance; and
 - (4) The owner of a dangerous dog shall be required, pursuant to this section, to post on the owner's property, an adequate number of warning symbols/signs to inform all persons, including children, that there is a dangerous dog on the property.
 - (5) Anyone who moves into Winslow with a Dangerous Dog must notify the ACO within 30 days and be in compliance with this ordinance within 10 days thereafter.
- D. Penalties. This section shall be enforced by the ACO or any duly authorized law enforcement official. The penalty for a first offense is a fine of \$500, which cannot be suspended, the penalty for a second offense is \$750, which cannot be suspended, the penalty for a third and subsequent offense is \$1,000, which cannot be suspended. Upon conviction, the owner is also responsible for the Town's reasonable attorney's fees and costs. Each day a violation continues is a separate offense.
- E. The municipal officers or their designated agents, are authorized to enter into administrative consent agreements to abate violations and recover penalties, reasonable attorney fees and costs.

§ 3-5. Dogs constituting a nuisance.

[Amended 8-8-1985 by Ord. No. 5-1983; 11-14-2016 by Ord. No. 13-16]

- A. Action constituting a nuisance. It shall be unlawful for an owner or keeper of a dog to allow such dog to cause annoyance or disturbance to any persons by barking, howling or making other sounds common to its species if such sounds recur in steady, rapid succession for five minutes or more or recur intermittently for one hour or more, or by running after or chasing persons, bicycles, automobiles or other vehicles. This section shall not apply if any dog is provoked by trespassing people or animals on private property on which the animal is situated or by other legitimate cause for provocation.
[Amended 10-10-2017 by Ord. No. 10-2017]
- B. Impoundment of nuisance dogs. Any dog constituting a nuisance as set out in Subsection A may be impounded by any member of the humane shelter, or any Winslow police officer, if the owner cannot be reasonably located. The owner of the dog shall pay the full cost incurred for the board and shelter of the animal.
- C. Penalty. Any owner violating any of the provisions of this section shall, upon conviction, be subject to a fine of not less than \$25 or more than \$100.

§ 3-6. Impounding dogs; procedure.

- A. Any police officer within the Town shall seize, impound or restrain:
- (1) Any dog kept in violation of § 3-1; or
 - (2) Any dog running at large.

The officer shall deliver such dog to the person who is duly authorized to have control of impounding.

- B. If the owner of such dog is known or can be located with reasonable diligence, then the person who has control of impounding shall personally notify the owner within three days of receipt of such dog. If the owner is not known and cannot be located with reasonable diligence, then the person who has control of impounding shall post, within 48 hours of the time such person has taken such dog into his possession, within notices in three places in the Town, giving a description of the dog, stating where it is impounded and the condition for its release. If the owner, within seven days after receiving notice, or within seven days after notice has been posted, does not claim such dog, then the person having control of impounding, shall dispose of the dog by sale or otherwise, in a proper and humane manner.
- C. The person having control of impounding shall keep a record of every dog disposed of by sale or otherwise. The record shall include:
 - (1) Description which identifies the dog with reasonable certainty;
 - (2) The manner of disposing of the dog;
 - (3) If the dog was transferred to another person, the name and address of the transferee. In addition, the transferee must sign a statement giving his name, address, and the date of delivery or receipt of the dog.

§ 3-7. Conditions of release from impoundment.

- A. In accordance with § 3-5, before any dog may be transferred to another person:
 - (1) Such dog shall be vaccinated with anti-rabies vaccine, or the transferee shall show proof of vaccination within the previous year;
 - (2) Such dog must be licensed in accordance with the statutes of the state; and
 - (3) The transferee shall pay to the Town Treasurer the sum of \$5 for vaccination, and the sum of \$2 per day for each day, or part thereof, the dog has been impounded.

§ 3-8. Running at large; penalty.

Instead of or in addition to seizing and impounding the dog, the Town may prosecute the owner of any dog running at large. Any person, upon conviction, shall be fined not less than \$25 nor more than \$100, plus the cost of prosecution.

§ 3-9. Duty to protect the health and safety of the public.

[Amended 11-12-2002 by Ord. No. 3-2002; 11-14-2016 by Ord. No. 13-2016]

- A. No person shall allow any dog owned by him/her or under his/her control to defecate upon public street, road, sidewalk, park or other public property within the Town of Winslow, or upon private property (except for that property owned by the owner of the dog) unless such defecation is immediately bagged, and removed, and properly and adequately disposed of in a sanitary manner in a proper waste receptacle by said owner or controller of the dog. This paragraph shall not apply to any dog trained for the purpose of aiding a sight-impaired person and engaged in that function or to any person with a handicap who, by reason of that handicap, is physically unable to comply with the requirements of this paragraph.
- B. Any owner or person who has a dog under his/her control who violates any provision of this section shall, upon adjudication, be fined not less than \$50 nor more than \$200, plus the costs and expenses of prosecution including but not limited to the Town's attorney's fees and expenses, and the salaries and wages

of Town personnel involved in investigating, preparing, and prosecuting such violation. All such fines, fees, costs, and expenses shall be paid to the Town of Winslow.

Article II. Domesticated Chickens

[Adopted 6-13-2016 by Ord. No. 2-2016; amended 11-14-2016 by Ord. No. 13-2016]

§ 3-10. Purpose.

The purpose of this article is to provide standards for the keeping of domesticated chickens. The article is intended to enable residents in the Mixed Use zoning district with less than two acre lots, as well as, Medium Density Residential (MR) and High Density Residential (HR) zoning districts to keep a small number of chickens on appropriately sized lots while limiting the potential adverse impacts on the surrounding neighborhood.

§ 3-11. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

BROILER CHICKEN

A male or female chicken raised for its meat and not older than 10 weeks.

CHICKEN PEN

An outdoor fenced-in area connected to a henhouse for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator-safe environment.

ENCLOSURE

The combined area of a henhouse and chicken pen.

HENHOUSE

A structure for the sheltering, roosting and nesting of female chickens. A new or legally existing detached shed, garage or barn that may be located within the required district setback can be used for this purpose if it meets all other standards contained in this article.

§ 3-12. Keeping of domesticated chickens on appropriately sized lots, unless as otherwise permitted within a specific zoning district.

- A. No more than six female chickens shall be allowed on lots of 7,000 square feet or more and up to one acre. No more than 12 female chickens shall be allowed on lots one acre or more. No chickens shall be permitted within multi-family complexes, including duplexes.
- B. Only female chickens are permitted with no restriction on chicken species. The only exception is broiler chickens of either sex that are not more than 10 weeks old.
- C. Advertising the sale of eggs, chicken breeding or fertilizer production is prohibited.
- D. Outdoor slaughtering of chickens is prohibited.

§ 3-13. Enclosure.

- A. Chickens must be kept in a secure enclosure at all times on lots less than two acres.
- B. Chickens shall be secured within the henhouse during non-daylight hours.

- C. Enclosures must be clean, dry and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of abutters due to noise, odor or other adverse impact.
- D. An enclosure shall not be located in the front yard.

§ 3-14. Henhouse.

- A. A henhouse shall be provided and designed to provide safe and healthy living conditions for the chickens, while minimizing adverse impacts to abutters.
- B. The henhouse shall be fully enclosed with latchable doors and windows. Windows and vents must be covered with predator and bird proof wire with openings one-inch or less.
- C. The henhouse shall be well maintained. The use of scrap, waste board, sheet metal, or similar materials for the construction of the structure is prohibited.
- D. Henhouses shall only be located in rear yards and in accordance with applicable zoning district setbacks. In the case of a corner lot, a side yard may be used in accordance with applicable zoning district setbacks.

§ 3-15. Chicken pens.

- A. Chicken pens must be provided. Where provided on lots less than two acres, the chicken pen shall be attached to the henhouse and the fence shall be constructed to prevent the escape of chickens.
- B. Chicken pens shall only be located in rear yards and in accordance with applicable zoning district setbacks. In the case of a corner lot, a side yard may be used in accordance with applicable zoning district setbacks.

§ 3-16. Odor, noise and lighting.

- A. Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.
- B. Perceptible noise from chickens shall not be a nuisance to abutters.

§ 3-17. Waste management.

Provision must be made for the proper management of chicken manure and chicken waste.

§ 3-18. Licensing requirements.

The initial license shall be issued by the Town Code Enforcement Office after favorable inspection of the premises by the Town Code Enforcement Officer or designee. Licenses shall expire annually on the last day of April. There is no fee for license renewal however licenses shall only be renewed after a review of complaints and inspections, if necessary, to verify that corrective actions are in place.

§ 3-19. Removal of chickens.

Any violation of the provisions of this article or of the license shall be grounds for an order from the code enforcement officer to remove the chickens and any non-compliant chicken-related structures. The animal control officer may also order the removal of the chickens upon a determination that the chickens pose a health risk. If a chicken dies, it must be disposed of promptly in a sanitary manner.

*Town of Winslow, ME
Friday, October 5, 2018*

Chapter 4. Building and Plumbing

[HISTORY: Adopted by the Town Council of the Town of Winslow as indicated in article histories. Amendments noted where applicable.]

Article I. Building Code

[Adopted 7-8-1974 by Ord. No. 36-1974]

§ 4-1. MUBEC (Maine Uniform Building and Energy Code) and NFPA-101 Life Safety Code adopted.

[Amended 9-11-1989 by Ord. No. 4-1989; 2-14-2005 by Ord. No. 1-2005; 9-10-2007 by Ord. No. 12-2007; 8-13-2012 by Ord. No. 8-2012; 5-11-2015 by Ord. No. 2-2015]

- A. MUBEC and the National Fire Protection Association (NFPA)-101 Life Safety Code and all amendments thereto are hereby adopted by reference and made a part of this chapter with the same force and effect as though set out in full herein.
- B. Pursuant to 25 M.R.S.A. § 2373, the Town of Winslow has chosen the Building Official option for all enforcement relating to structures covered under the International Residential Code (IRC) and the Third-Party Inspector (TPI) option for enforcement and review relating to structures covered by the International Building Code (IBC).
- C. The IRC shall be enforced and or reviewed through inspections by the building official, or more specifically the local code enforcement officer pursuant to 25 M.R.S.A. § 2373(1). The building Official may accept IBC applications for permits having a compliance certification from a Third-Party Inspector who is certified pursuant to 10 M.R.S.A. § 9723 or certification by a licensed professional who is licensed in Maine. The Town reserves the right to select the person or firm to perform the Third-Party review(s), the costs shall be the responsibility of the applicant.
- D. Copies of MUBEC and National Fire Protection Association - 101 Life Safety Codes will be available at the Winslow Town Office through the Town Clerk's office, the Code Enforcement Officer's office, and the Winslow Fire Station.

§ 4-2. Enforcement of article.

The building inspector shall enforce this article and initiate all causes of action through the Town Manager in the name of the inhabitants of the Town.

§ 4-3. Building permit required and time limits.

[Amended by Town Warrant, 3-10-1959, Art. 81; 12-30-1974 by Ord. No. 45-1974; 8-13-2012 by Ord. No. 8-2012]

- A. Before any person builds or repairs any structure within the Town, if the cost of such building or repairing is estimated to exceed \$500, he/she shall obtain a building permit from the Town.

- B. Construction must commence within 150 days and be completed within two years or the permit will expire.

§ 4-4. Schedule of application filing fees.

[Amended 12-30-1974 by Ord. No. 45-1974; 7-9-1990 by Ord. No. 2-1990; 10-5-1992 by Ord. No. 5-1992; 2-14-2005 by Ord. No. 1-2005; 9-10-2007 by Ord. No. 12-2007; 6-11-2012 by Ord. No. 6-2012]

- A. The fees, which shall be paid before a building permit application will be considered as filed, shall be as follows:
- (1) New construction (domestic).
 - (a) Major construction: \$0.25 per foot of finished area; \$0.10 per foot of unfinished/area (includes basements).
 - [1] New homes, inclusive of garages, sunrooms, decks, and any structures included with the site and construction plan submitted with initial application.
 - [2] Additions, to the exterior of an existing structure which is placed on permanent foundation or creates additional floor space or an additional floor level.
 - [3] Enclosed porches, sunrooms and greenhouses, enclosed, heated, and used for living spaces.
 - [4] Garages, attached or detached.
 - (2) Remodel construction.
 - (a) All remodel construction: \$1.75 per thousand dollars of construction cost (minimum fee \$25).
 - (3) Commercial and industrial construction.
 - (a) All construction as classified by the IBC as groups A, B, C, D, E, F, H, I, M, S and U shall be reviewed under this section:
 - [1] Office/finished area: \$0.25 per foot.
 - [2] Open/unfinished area: \$0.10 per foot.
 - (b) Office and finished area shall be those areas positioned to create enclosed work area. Open area shall be unfinished or finished spaces of open area for display, storage or manufacturing.
 - (4) Shoreland zoning construction: \$75, plus \$0.25 per foot.
 - (5) Demolitions: \$50.
 - (6) Signs: (not including real estate signs):
 - (a) Small signs up to two feet by four feet: \$25.
 - (b) All other signs: \$200 +.
 - (c) Electronic signs: \$300.
 - (7) Public sewer connections: \$300.
 - (8) Plumbing permits: state fees.
 - (9) Electrical permits: state fees.

(10) Mineral extraction, including sand and gravel loam: \$500 plus bond.

(11) Change of use: \$100.

B. Permits not applied for until after work has been started shall be double the fee in Subsection A above.

§ 4-5. Moving permits; requirements; fees; utilities permission.

[Amended 2-14-2005 by Ord. No. 1-2005; 9-10-2007 by Ord. No. 12-2007]

A. No person shall move any house without a permit.

B. Moving permits over public ways shall require a minimum of \$100 fee and a bond of at least \$10,000 filed with the treasurer, with sureties approved by the Town Attorney indemnifying and saving harmless the Town from any and all costs or claims arising from damage occasioned by any and all parties to the moving.

C. Written permission from public utilities along the route of movement shall be obtained and presented to the building inspector prior to issuance of a moving permit, along with a description and sketch of the route.

§ 4-6. Penalty.

[Amended 2-14-2005 by Ord. No. 1-2005; 9-10-2007 by Ord. No. 12-2007]

Please refer to Chapter 14, Town of Winslow Zoning Ordinance, Article II, § 14-13, "Notification of Violations, Abatement Powers; Inspection Powers and Penalty."

Article II. Plumbing Code

[Adopted by Town Warrant, 3-14-1932, Art. 51]

§ 4-7. Plumbing code adopted.

[Amended by Town Warrant, 3-10-1959; 7-8-1974 by Ord. No. 36-1974; 12-30-1974 by Ord. No. 45-1974; 9-11-1989 by Ord. No. 4-1989; 7-9-1990 by Ord. No. 2-1990; 10-5-1992 by Ord. No. 5-1992; 2-14-2005 by Ord. No. 1-2005; 9-10-2007 by Ord. No. 12-2007; 6-11-2012 by Ord. No. 6-2012; 8-13-2012 by Ord. No. 8-2012; 5-11-2015 by Ord. No. 2-2015]

A. The rules and regulations governing plumbing installations as promulgated by the State Department of Health is adopted by this reference and made a part of this article with the same force and effect as though set out in full herein, as the official plumbing code of the Town.

B. Copies of the plumbing code shall be on file in the office of the clerk for public inspection and use.

*Town of Winslow, ME
Friday, October 5, 2018*

Chapter 5. Businesses

[HISTORY: Adopted by the Town Council of the Town of Winslow as indicated in article histories. Amendments noted where applicable.]

Article I. Solicitors

[Adopted by Town Warrant, 3-11-1958, Art. 96]

§ 5-1. House to house sales; permit required.

- A. No person shall solicit funds from any person by selling goods or merchandise of any description by house to house canvas or on the streets of the Town without a permit.
- B. The chief of police shall issue written permits upon application.
- C. Any person in violation of this section shall be fined not less than \$5 nor more than \$20.

Article II. Junkyards and Automobile Graveyards

[Adopted 9-22-1969 by Ord. No. 1]

§ 5-2. Rules and regulations.

The rules and regulations contained in this article shall apply to the conduct on the licensed premises of a junkyard or automobile graveyard.

§ 5-3. Hours of operation restricted.

The business of junkyard and/or automobile graveyard shall be transacted between the hours of 7:00 a.m. and 6:00 p.m. on every week day. No operation is permitted on Sunday.

§ 5-4. Noise prohibited.

No excessive noises unnecessary to the conduct of the business shall be permitted.

§ 5-5. Obstruction of traffic.

No highway or sidewalk adjoining the licensed premises shall be obstructed to the inconvenience of pedestrians and vehicular traffic.

§ 5-6. Inflammable gasses or liquids.

No inflammable gasses and liquids shall be left exposed or handled in such a manner as to create a danger of fire or explosion.

§ 5-7. Offensive odors or smoke.

No automobile tires or other substance causing offensive smells and emitting large volumes of black smoke shall be burned on the premises.

§ 5-8. Junkyard fences; specifications.

- A. Fences shall be so located and of sufficient height to completely screen the junkyard from ordinary view from any highway within the prescribed distances. Although the minimum height of any fence is stated to be six feet, it must be emphasized that height shall be sufficient to accomplish the complete screening from ordinary view.
- B. All fences shall be well constructed and maintained. Only sound material, uniform in appearance and erected in a workmanlike manner, will be acceptable.

§ 5-9. Screening materials.

- A. Screenings may be accomplished by natural or manmade objects, plantings, or properly constructed fences. Such material shall completely screen the junkyard from ordinary view from any portion of any highway within the prescribed distances throughout the entire calendar year. All screening shall be outside of the highway right-of-way limits.
- B. Natural or manmade objects may mean:
 - (1) Hills, gullies, or embankments. Such manmade objects shall be constructed to blend with the landscape with loaming and seeding or other treatment as may be necessary to establish a natural appearance;
 - (2) Buildings or other installations; or
 - (3) Combination of the above materials.

§ 5-10. Penalty.

[Amended 10-4-1971 by Ordinance]

Any person violating any provision of this article shall be subject to a fine of not more than \$100 for each offense.

Article III. Exempted Businesses

§ 5-11. Businesses permitted to remain open.

Any business not included within the exemptions listed under state law, § 3.201 of Title 17, Maine Revised Statutes Annotated, shall be permitted to remain open for business on the days set forth in such section.

Article IV. Special Amusement

[Adopted 8-14-1978 by Ord. No. 12-1978]

Division 1 Generally

§ 5-12. Title.

This article shall be known and may be cited as the "Special Amusement Ordinance" of the Town of Winslow, Maine.

§ 5-13. Purpose.

The purpose of this article is to control the issuance of special permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor as required by § 702 of Title 28, Maine Revised Statutes Annotated.

§ 5-14. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ENTERTAINMENT

Includes any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

LICENSEE

Includes the holder of a license issued under the Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation, or other legal entity, or any agent, or employee of any such licensee.

Division 2 Permit

§ 5-15. Required.

- A. No licensee for the sale of liquor to be consumed on his licensed premises shall permit, on his licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the municipality in which the licensed premises are situated a special amusement permit signed by at least a majority of the municipal officers.
- B. Applications for all special amusement permits shall be made in writing to the municipal officers and shall state: the name of the applicant; his residence address; the name of the business to be conducted; his business address; the nature of his business; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked, and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances; and any additional information as may be needed by the municipal officers in the issuing of the permit, including, but not limited to, a copy of the applicant's current liquor license.
- C. No permit shall be issued for anything, or act, or premises, if the premises and building to be used for the purposes do not fully comply with all ordinances, articles, bylaws, or rules and regulations of the municipality.
- D. The fee for a special amusement permit shall be \$10.
- E. The municipal officers shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing within 15 days of the date of the request was received, at which the testimony of the applicant and that of any other interested member of the public shall be taken.

- F. The municipal officers shall grant a permit unless they find that the issuance of the permit will be detrimental to the public health, safety or welfare, or would violate municipal ordinances, or rules and regulations, articles, or bylaws.
- G. A permit shall be valid only for the license year of the applicant's existing liquor license.

§ 5-16. Inspections.

- A. Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a special amusement permit are provided for or required by ordinance or state law, or are reasonably necessary to secure compliance with any ordinance provision or state law, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the municipality authorized to make the inspection at any reasonable time that admission is requested.
- B. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or state law, it shall be the duty of the licensee, or the person in charge of the premises, to give any authorized officer, official, or employee of the municipality requesting the same sufficient samples of the material or commodity for analysis.
- C. In addition to any other penalty which may be provided, the municipal officers may revoke the special amusement permit of any licensee in the municipality who refuses to permit any such officer, official, or employee to make an inspection or take sufficient samples for analysis, or who interferes with such officer, official, or employee while in the performance of his duty. Provided, that no license or special amusement permit shall be revoked unless written demand for the inspection or sample is made upon the licensee or person in charge of the premises, at the time it is sought to make the inspection.

§ 5-17. Suspension or revocation of permit.

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

§ 5-18. Rules and regulations.

- A. The municipal officers are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation of special amusement permits, the classes of permits, the music, dancing, or entertainment permitted under each class, and other limitations on these activities required to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities are permitted.
- B. Such rules and regulations shall be additional to and consistent with all sections of this article.

§ 5-19. Permit and appeal procedures.

- A. Any licensee requesting a special amusement permit from the municipal officers shall be notified in writing of their decision no later than 15 days from the date his request was received. In the event that a licensee is denied a permit, the licensee shall be provided with reasons for the denial in writing. The licensee may not reapply for a permit within 30 days after an application for a permit which has been denied.
- B. Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within 30 days of the denial, suspension or revocation, appeal the decision to the municipal

board of appeals as defined in § 2411 of Title 30, Maine Revised Statutes Annotated. The municipal board of appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety, or welfare, or that the denial, revocation or suspension was arbitrary or capricious, or that the denial, revocation or suspension was not based, by a preponderance of the evidence, on a violation of any ordinance, article, bylaw, or rule or regulation of the municipality.

§ 5-20. Admission.

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

§ 5-21. Penalty.

[Amended 12-11-1978 by Ord. No. 17-1978]

Whoever violates any of the provisions of this article shall be punished by a fine of not more than \$50 for the first offense, and up to \$100 for the subsequent offenses, to be recovered, on complaint, to the use of the Town of Winslow.

Article V. Itinerant Vendors

[Adopted 1-13-1986 by Ord. No. 2-1985]

§ 5-22. Permit required.

It shall be unlawful for an itinerant vendor, as herein defined, to engage in business within the Town of Winslow, without first obtaining a permit in compliance with the provisions of this article.

§ 5-23. Definitions.

[Amended 7-11-2005 by Ord. No. 5-2005]

As used in this article, the following terms shall have the meanings indicated:

ITINERANT VENDOR

Any person who engages in a temporary business of selling or delivering goods, wares, foods, foodstuffs, or merchandise within the Town of Winslow from either a public or private place, other than at his permanent place of business or at his place of legal voting residence.

- A. Temporary itinerant vendor shall apply to CEO for Use Permit. Such permit shall be valid from eight to 60 days and may not be renewed in any one calendar year. Permit fee shall be \$50. NOTE: one to seven days requests shall apply to the Police Department for "Temporary Itinerant Vendor Permit" which cannot be renewed for one calendar year. The permit fee shall be \$25.
- B. Seasonal itinerant vendor shall apply to the Planning Board for a permit and meet all applicable requirements of the Zoning Ordinance's Conditional Use and Site Review at § 14-28, et al. Such permit shall be valid for three to six months continuous use and cannot be renewed for one calendar year. The permit fee shall be \$50 per month of use.
- C. Temporary or Itinerant Seasonal Vendors, which prepare and/or serve food shall provide for waste and sanitation facilities for such business and be subject to inspection by the Town Code Enforcement Officer and/or Maine State Health Officials. Unsanitary or unsafe conditions may result in revocation of permit to operate as well as civil penalties and other applicable remedies and costs including but not limited to § 5-31.

- D. Permits for all Temporary Itinerant Vendors and Seasonal Itinerant Vendors shall only be issued if the applicant is in compliance with all applicable requirements of the zoning district in which he or she shall be located along with all other applicable State and Town of Winslow applicable laws, ordinances, rules, and regulations, and the location of any such itinerant vendor shall not be a detriment to vehicle or pedestrian traffic, vehicle traffic flow, vehicle traffic egress and ingress to the itinerant vendor's location site, and there is adequate parking and safe sight-distance of oncoming vehicle traffic approaching the itinerant vendor's location site at the customary speed in that area.

PERMANENT PLACE OF BUSINESS

A place of business which is not a temporary business.

PRIVATE PLACE

All premises which are assessed as real property by the Town of Winslow and not owned by any public entity, other than a permanent place of business or a place of legal voting residence. If a private place is used, written authorization from owner must be provided.

PUBLIC PLACE

All public ways laid out under authority of statute and dedicated to public use, or other places to which the public at large or a substantial group has access.

TEMPORARY BUSINESS

A place of business not open to the public at least five days a week for not less than six hours daily.

§ 5-24. Nonprofit organizations and educational institutions exempt.

Nonprofit organizations and educational institutions shall be exempt from this article.

§ 5-25. Permit application form.

Temporary Itinerant vendors must complete the application form furnished by the chief of police clearly stating the time, place, manner and purpose for which the permit is desired.

§ 5-26. Time permit valid; non-transferability.

[Amended 7-12-1993 by Ord. No. 3-1993]

Itinerant vendors permit shall be valid for a period not to exceed three consecutive days, between the hours of 9:00 a.m. and 8:00 p.m. Monday through Sunday, and shall not be transferable. An exception to this section shall be farmers who sell their own grown products and such exception shall apply from June 1 to October one each year.

§ 5-27. Prohibited locations.

Itinerant vendors permit shall not be issued to applicant at any location where prohibited by the Winslow Zoning Ordinance.

§ 5-28. Permit fee.

[Amended 7-12-1993 by Ord. No. 3-1993; 7-11-2005 by Ord. No. 5-05]

Fee for each permit shall be stated in § 5-23, nonrefundable, and payable to the Town of Winslow. The fee for farmers who sell their own grown products from June 1 to October 1 each year shall be \$25.

§ 5-29. Proof of insurance to be provided.

Itinerant vendors shall provide certificates of bodily injury liability and property damage insurance.

§ 5-30. Vendors to hold Town harmless.

Itinerant vendors shall indemnify and save harmless the Town of Winslow, its authorized agents, officials and employees from and against any and all actions, causes of actions, liabilities, claims, demands, damages or losses including any actions for contribution or indemnity, and including all reasonable attorneys fees, resulting from any civil or criminal action arising directly or indirectly out of any act or omission of itinerant vendors, their employees, or business patrons.

§ 5-31. Violation; penalty.

Any itinerant vendor who violates any provision of this article shall be guilty of a civil violation and subject to a fine of not less than \$50 nor more than \$200, plus the Town of Winslow's attorney's fees for the prosecution of any such violation. Each day of any violation of this article shall be a separate offense. Nothing in this article shall be construed to prohibit other or further civil or criminal action, including the Town of Winslow's attorney's fees, against any itinerant vendor.

Article VI. Innkeepers and Lodging Houses

[Adopted 9-13-1993 by Ord. No. 5-1993]

§ 5-32. Permit fee.

[Amended 8-27-2001 by Ord. No. 5-2001]

Every person licensed as an innkeeper or tavern keeper shall pay to the treasurer for the use of the municipality a fee of \$25.

§ 5-33. Penalty.

Any innkeeper or tavern keeper who is in violation of this article will be subject to a general penalty as outlined in § 1-7 of this Code.

Article VII. Permit Required for Sale of Consumer Fireworks

[Adopted 9-13-1993 by Ord. No. 5-1993; amended 8-27-2001 by Ord. No. 5-2001; 3-12-2012 by Ord. No. 2-2012]

§ 5-34. Permit required.

A Municipal Permit is required for the sale of Consumer Fireworks. The Code Enforcement Officer is authorized to issue a permit if the following conditions are met:

- A. The applicant is 21 years or older and applies on a state approved form.
- B. The applicant possesses the necessary State and Federal Permits.
- C. Storage and sale.
 - (1) Consumer Fireworks may be stored and sold only in a permanent, fixed, stand-alone building dedicated solely to the storage and sale of Consumer Fireworks.

- (2) The building may not be less than 60 feet from another permanent building and may not be less than 300 feet from a structure in which gasoline, propane or other flammable material is sold or dispensed.
- (3) Cigarettes, tobacco products or lighters or other flame producing devices may not be permitted in the building.
- (4) A person under 21 years of age may not be admitted into the building unless accompanied by a parent or guardian.
- (5) Notwithstanding Subsection A(4) above, a person of at least 18 years of age may handle and sell Consumer Fireworks if the person is under the direct supervision of a person 21 years of age or older.
- (6) The building shall be equipped throughout with an automatic fire suppression system in accordance with NFPA 13-D.
- (7) The building must comply with the IBC Building Codes as amended.
- (8) No outside storage will be allowed.

D. The location is permitted under the Winslow Zoning Ordinance.

§ 5-35. Permit fees; inspections.

- A. There will be a fee of \$250 for the initial one-year permit and \$200 for annual renewal permits.
- B. The Fire Department and Code Enforcement Officer will perform annual inspections to ensure compliance.

§ 5-36. Violations.

In addition to the enforcement provisions of 8 M.R.S.A. § 223-A(9), a fine of \$500 for an initial violation, and \$1,000 for subsequent violations of this Ordinance will be imposed, none of which may be suspended. The Town will also be awarded its reasonable attorney fees for prosecution of any violation.

*Town of Winslow, ME
Friday, October 5, 2018*

Chapter 6. Floodplain Management

[HISTORY: Adopted by the Town Council of the Town of Winslow 4-13-1987 by Ord. No. 3-1987; amended in its entirety 6-11-2001 by Ord. No. 3-2001. Subsequent amendments noted where applicable.]

§ 6-1. Purpose and establishment.

- A. Certain areas of the Town of Winslow, 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 but the National Flood Insurance Act of 1968.
- B. Therefore, the Town of Winslow, 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.
- C. It is the intent of the Town of Winslow, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the flood plain areas having special flood hazards.
- D. The Town of Winslow has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A M.R.S.A., §§ 3001 — 3007, 4352 and 4401 — 4407.
- E. The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Winslow having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a flood hazard development permit system and review procedure for development activities in the designated flood hazard areas of the Town of Winslow, Maine.
- F. The areas of special flood hazard, zones A and AE, are identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study — Town of Winslow, Kennebec County," dated May 7, 2001 with accompanying "Flood Insurance Rate Map (FIRM) dated May 7, 2001, which are hereby adopted by reference and declared to be a part of this Ordinance.

§ 6-2. Permit required.

Before any construction or other development (as defined in § 6-13), including the placement of manufactured homes, begins within any areas of special flood hazard established in § 6-1 a flood hazard development permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other building permits which may be required pursuant to the codes and ordinances of the Town of Winslow, Maine.

§ 6-3. Application for permit.

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

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

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

[Subsections **H** through **K(2)** apply only to new construction and substantial improvements.]

- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), or to a locally established datum in Zone A only, of the:
 - (1) Base flood at the proposed site of all new or substantially improved structures, which is determined:
 - (a) In Zone AE, from data contained in the "Flood Insurance Study -Town of Winslow, Maine," as described in § 6-1; or
 - (b) In Zone A:
 - [1] From any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to §§ 6-6K and 6-8D;
 - [2] From the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
 - [3] To be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.
 - (2) Highest and lowest grades at the site adjacent to the walls of the proposed buildings;
 - (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 flood-proofed;
- I. A description of a base flood elevation reference point established on the site of all developments for which elevation standards apply as required in § 6-6;
- 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 § 6-6 by a registered professional engineer or architect:
 - (1) A flood-proofing Certificate (FEMA form 81-65, 08/99, as amended), to verify that the flood-proofing methods for any non-residential structures will meet the flood-proofing criteria of §§ 6-3H(4) and 6-6G; and other applicable standards in § 6-6;
 - (2) A Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of § 6-6L(2)(a);
 - (3) A certified statement that bridges will meet the standards of § 6-6M;

- (4) A certified statement that containment walls will meet the standards of § 6-6N;
- L. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development; and
- M. A statement or construction plan describing in detail how each applicable development standard in § 6-6 will be met.

§ 6-4. Application fee and expert's fee.

- A. A non-refundable application fee of \$50 shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.
- B. An additional fee may be charged if the Code Enforcement Officer and/or Board of Appeals need 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.

§ 6-5. 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 § 6-6 (Development Standards) have been, or will be met;
- B. Utilize, in the review of all flood hazard development permit applications:
 - (1) The base flood data contained in the "Flood Insurance Study — Town of Winslow, Maine," as described in § 6-1;
 - (2) In special flood hazard areas where base flood elevation data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state or other technical sources, including information obtained pursuant to §§ 6-3H(1)(b), 6-6K, and 6-8B, in order to administer § 6-6 of this Ordinance; and
 - (3) When the community establishes a base flood elevation in a Zone A by methods outlined in § 6-3H(1)(b), the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in § 6-1 of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972; 33 U.S.C. § 1334;
- E. Notify adjacent municipalities, the department of environmental protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a watercourse and submit copies of such notifications to the Federal Emergency Management Agency;

- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
- (1) A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time, the applicant shall provide the Code Enforcement Officer with a second Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built," for verifying compliance with the elevation requirements of § 6-6F, G or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or
 - (2) A Flood Hazard Development Permit for Flood-proofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the flood-proofing standards of § 6-6G(1)(a), (b) and (c). The application for this permit shall include a Flood-proofing 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 § 6-6J, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.
- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of § 6-9 of this Ordinance, and copies of Elevation Certificates, Flood-proofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of §§ 6-3, 6-6, and 6-7 of this Ordinance.

§ 6-6. Development standards.

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

- A. All development. All developments shall:
- (1) Be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (2) Use construction materials that are resistant to flood damage;
 - (3) Use construction methods and practices that will minimize flood damage; and
 - (4) Use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
- B. Water supply. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- C. Sanitary sewage systems. All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the systems 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 any 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 A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to § 6-3H(1)(b), 6-5B, or 6-8D.
- G. Nonresidential. 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 flood-proofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to passage of water;
 - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - (c) Be certified by a registered professional engineer or architect that the flood-proofing 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 § 6-3K, and shall include a record of the elevation above mean sea level to which the structure is flood-proofed.
 - (2) Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to § 6-3H(1)(b), 6-5B, or 6-8D; or
 - (a) Together with attendant utility and sanitary facilities meet the flood-proofing standards of § 6-6G(1).
- 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 in 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 floatation, 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 § 6-6H(1)(c)[1] and [2] shall be capable of carrying a force of 4,800 pounds.

(2) Zone A shall:

- (a) Be elevated on a permanent foundation, as described in § 6-6H(1)(b), such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to § 6-3H(1)(b), 6-5B, or 6-8D; and
- (b) Meet the anchoring requirements of § 6-6H(1)(c).

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 § 6-6H(1).

J. Accessory structures. Accessory Structures, as defined in § 6-13, located Within Zones AE and A, shall be exempt from the elevation criteria required in § 6-6F and G above, if all other requirements of § 6-6 and all the following requirements are met. Accessory structures shall:

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

K. Floodways.

- (1) In 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 Zone AE and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in § 6-6K(3), unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - (a) Will not increase the water surface elevation of the base flood more than one foot at any point within the community; and

- (b) Is consistent with the technical criteria contained in Chapter 5, entitled "Hydraulic Analyses," Flood Insurance Study - Guidelines and Specifications for Study Contractors, (FEMA 37/January 1995, as amended).
- (3) In Zones AE and A riverine areas for which no regulatory floodway is designated the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of 1/2 the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.
- L. Enclosed areas below the lowest floor. New construction or substantial improvement of any structure in zones AE and A that meets the development standards of § 6-6, including the elevation requirements of § 6-6F, G or H, and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:
 - (1) Enclosed areas are not "basements" as defined in § 6-13;
 - (2) Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - (a) Be engineered and certified by a registered professional engineer or architect; or
 - (b) Meet or exceed the following minimum criteria:
 - [1] A minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - [2] The bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade;
 - [3] Openings may be equipped with screens, louvers, valves, and 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 improvements of any bridge in Zones AE and A shall be designed such that:
 - (1) When possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and
 - (2) A registered professional engineer shall certify that:
 - (a) The structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of § 6-6K; and
 - (b) The foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.
- N. Containment walls. New construction or substantial improvement of any containment wall located within:
 - (1) Zones AE and A shall:
 - (a) Have the containment wall elevated to at least one foot above the base flood elevation;

- (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards or 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 § 6-3K.
- O. Wharves, piers and docks. New construction or substantial improvement of wharves, piers and docks are permitted in Zones AE and A, in and over water and seaward of the mean high tide in 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.

§ 6-7. Certificate of compliance.

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

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer, and Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with § 6-6F, G or H.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
- C. Within 10 working days, the Code Enforcement Officer shall:
 - (1) Review the Elevation Certificate and the applicant's written notification; and
 - (2) Upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

§ 6-8. Review of subdivisions and development proposals.

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

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevation, 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 § 6-6 of this ordinance. Such requirement will be included in any deed,

lease, purchase and sale agreement, or document transferring or expressing intent to transfer any interest in real estate or structure, including but not limited to 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.

§ 6-9. Appeals and variances.

The board of appeals of the Town of Winslow 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 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 subsection means:
 - (a) That the land in question cannot yield a reasonable return unless a variance is granted; and
 - (b) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and
 - (c) That the granting of a variance will not alter the essential character of the locality; and
 - (d) That the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief and the Board of Appeals may impose such conditions to a variance as it deems necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
 - (1) Other criteria of §§ 6-9 and 6-6K 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 § 6-9A 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 § 6-9A 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 30 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 35 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 35 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 45 days from the date of any decision of the Board of Appeals.

§ 6-10. 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 M.R.S.A., § 4452.
- B. The penalties contained in Title 30-A M.R.S.A., § 4452 shall apply to any violation of this Ordinance.
- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:

- (1) The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
- (2) A clear and unequivocal declaration that the property is in violation of a cited state or local law, regulation, or ordinance;
- (3) A clear statement that the public body making the declaration has authority to do so and a citation to that authority;
- (4) Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and
- (5) A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

§ 6-11. 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.

§ 6-12. 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.

§ 6-13. Definitions.

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

ACCESSORY STRUCTURE

A small detached structure that is incidental and subordinate to the principal structure.

ADJACENT GRADE

The natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain having a one-percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in § 6-1 of this Ordinance.

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year, commonly called the one-hundred-year flood.

BASEMENT

Any area of the building having its floor sub grade (below ground level) on all sides.

BUILDING

See "structure."

CERTIFICATE OF COMPLIANCE

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

CODE ENFORCEMENT OFFICER

Any person or board responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

DEVELOPMENT

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

ELEVATED BUILDING

- A. A non-basement building:
 - (1) Built, in the case of a building in Zones AE or A, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
 - (2) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.
- B. In the case of Zones AE or A, elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in § 6-6L.

ELEVATION CERTIFICATE

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

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

FLOOD 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."

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 Subsection A(1) of this definition.

FLOOD-PROOFING

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.

FLOODPLAIN MANAGEMENT

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.

FLOODPLAIN or FLOOD-PRONE AREA

Any land area susceptible to being inundated by water from any source (see "flooding").

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

FUNCTIONALLY DEPENDENT USE

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

HISTORIC STRUCTURE

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

An elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

LOWEST FLOOR

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 § 6-6L 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

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

MINOR DEVELOPMENT

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 § 6-6J, 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, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)."

NEW CONSTRUCTION

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.

ONE HUNDRED-YEAR FLOOD

See "base flood."

RECREATIONAL VEHICLE

A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred square feet or less when measured at the largest horizontal projection, not including slide outs;
- C. Designed to be self-propelled or permanently tow-able 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 watercourse 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 watercourse and the adjacent land areas to a distance of 1/2 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

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

Damage of any origin sustained by a structure where by the cost of restoring the structure to its before damage condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

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

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

VARIANCE

A grant of relief by a community from the terms of a floodplain management regulation.

VIOLATION

The failure of a structure or development to comply with a community's floodplain management regulations.

§ 6-14. 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).

Town of Winslow, ME
Friday, October 5, 2018

Chapter 7. Mobile Homes, Manufactured Housing and Mobile Home Parks

[HISTORY: Adopted by the Town Council of the Town of Winslow 7-8-1991 by Ord. No. 2-1991. Amendments noted where applicable.]

§ 7-1. Definitions.

As used in this chapter:

DEVELOPMENT

Any use of land for which a building permit is issued or pending.

MANUFACTURED HOUSING UNIT

Structures, transportable in one or two sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

§ 7-2. Intent of regulations; administration.

- A. A mobile home park is a subdivision. Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision, and shall conform to all applicable state laws and local ordinances or regulations. Where the provisions of this section conflict with specific provisions of the Winslow Subdivision Ordinance, the provisions of this section shall prevail for review of mobile home park subdivisions.
- B. The regulations of this chapter shall be held to be the minimum requirements for the promotion of the health, safety, and general welfare. If this chapter is found to be in conflict with any ordinance or provision of law of the Town, or state statute, the provision which establishes the higher standard shall prevail.
- C. The administration of these regulations shall be the responsibility of the Planning Board. The enforcement of such regulations shall be the responsibility of the Code Enforcement Officer. The administration and enforcement of these regulations shall be as defined in the zoning ordinance.
- D. Permits to develop or expand a mobile home park shall expire after two years for any portion of the park where the road or utilities have not been put in place.

§ 7-3. Manufactured housing dealers excepted.

This chapter shall not apply to manufactured housing in the hands of dealers as stock in trade for resale, so long as the manufactured housing units remain unoccupied. Manufactured housing shall not be exhibited for sale for commercial purposes in any residential zone including the rural zone, or in a mobile home park, except as provided for in § 7-11A(4).

§ 7-4. Existing mobile home parks exempted.

This chapter shall not apply to mobile home parks established prior to June 7, 1971. Permit fees, and sanitary and utility requirements shall apply to such existing mobile home parks.

§ 7-5. Extension or alteration of existing parks.

Mobile home parks established before June 7, 1971, may not be extended or altered except in conformance with the provisions of this chapter.

§ 7-6. Unoccupied or stored mobile homes.

This article shall not apply to travel trailers and campers that are unoccupied and stored temporarily in buildings, garages or on private property.

§ 7-7. Mobile home and mobile home park permit required.

No person shall construct, maintain, operate or alter any mobile home park or mobile home or any manufactured housing in the Town unless such person shall first obtain a permit issued by the Code Enforcement Officer.

§ 7-8. Initial mobile home park application; contents.

- A. Initial applications for mobile home parks shall be accompanied by a set of plans, drawn to scale showing all information required for a subdivision application including:
- (1) The area and dimensions of the tract of land;
 - (2) The maximum number, location and size and dimensions of all mobile home spaces;
 - (3) The location and dimensions of any existing buildings and any proposed structures;
 - (4) The location and width of roadways and walkways; and
 - (5) The location of water and sewer lines and sewage disposal system.

§ 7-9. Modification applications.

Modification applications shall be accompanied by plans, drawn to scale, showing any proposed extension or alterations, which extensions and alterations shall be made to conform with the provisions of this chapter before such modification application shall be granted. The making of extensions or alterations without such approval shall be cause for immediate revocation of the mobile home park permit. The Planning Board may require that all information required for an initial application be submitted.

§ 7-10. Permit issuance and renewal; fees.

- A. The Code Enforcement Officer, upon written application of any person, may issue a mobile home park permit to such person upon compliance with the provisions of this chapter and approval by the Planning Board.
- B. Fees shall be paid in accordance with the subdivision ordinance, but in no case shall the fee be less than \$100.

§ 7-11. Mobile home park development requirements.

A. Mobile home parks shall conform to the following minimum requirements:

- (1) The park shall be located on a well-drained site properly graded to insure rapid drainage and freedom from stagnant pools of water. The park shall not be located near swamps or other potential breeding places for insects and rodents, or on land which is exposed to chronic nuisances such as noise, smoke, fumes and odors.
- (2) Each individual mobile home space shall be provided with:
 - (a) A continuing and potable supply of safe and sanitary water;
 - (b) An adequate sewage disposal means;
 - (c) An adequate electrical power service. The requirements of this subsection shall comply with state regulations.
- (3) Garbage and rubbish collection and delivery to a disposal facility designated by the Town shall be the responsibility of the mobile home park owner.
- (4) No unoccupied mobile home or trailer shall be stored or exhibited for sale for commercial purposes within a mobile home park. This restriction is not intended to prevent individual "one time" transactions, but rather to prevent the owner or manager of a mobile home park from using it as a mobile home sales lot. The park shall be restricted to residential purposes. It shall not serve as a business district.
- (5) Each mobile home will set on an eighteen-inch gravel base.

§ 7-12. Design and performance standards for mobile home parks.

A. Lot area and lot width requirements. Notwithstanding the dimensional requirements table located in Article IV of Chapter 14, lots in a mobile home park shall meet the following lot area and lot width requirements.

- (1) Lots served by public sewer:
 - (a) Minimum lot area: 6,000 square feet.
 - (b) Minimum lot width: 50 feet.
- (2) Lots served by individual subsurface waste water disposal systems:
 - (a) Minimum lot area: 20,000 square feet.
 - (b) Minimum lot width: 100 feet.
- (3) Lots served by a central subsurface waste water disposal system approved by the Maine Department of Human Services:
 - (a) Minimum lot area: 12,000 square feet.
 - (b) Minimum lot area: 75 feet.
- (4) The overall density of any park served by any subsurface wastewater disposal system shall not exceed one dwelling unit per 20,000 square feet of total park area.
- (5) Lots located within any Shoreland zoning district shall meet the lot area, lot width and shore frontage requirements for that district.

B. Unit setback requirements.

- (1) On lots 10,000 square feet in area or larger, structures shall not be located less than 15 feet from any boundary lines of an individual lot. On lots less than 10,000 square feet in area, structures shall not be located less than 10 feet from any boundary lines of an individual lot.
 - (2) On lots which abut a public way either within the park or adjacent to the park, structures shall meet front yard requirements, frontage, and lot width requirements defined in Article IV of the Winslow zoning ordinance. On lots which are located within the shoreland area, structures shall meet the setback from high water mark requirements in the dimensional requirements in the Winslow shoreland zoning provisions and the Winslow flood hazard ordinance.
- C. Buffering. If a park is proposed with a residential density at least twice the density of adjacent development in existence, or at least twice the density permitted in the zoning district in which the park is located if the neighboring land is undeveloped, the park shall be designed with a continuous landscaped area not less than 50 feet in width which shall contain no structures or streets. The first 25 feet of the buffer strip, as measured from the exterior boundaries of the park shall contain evergreen shrubs, trees, fences, walls or any combination which forms an effective visual barrier to be located on all exterior lot lines of the park, except that driveways shall be kept open to provide visibility for vehicles entering and leaving the park.
- D. Open space reservation. An area no less than 10% of the total area of those lots with a lot area of 10,000 square feet or less shall be reserved as open space. The area reserved as open space shall be dedicated to and suitable to be used for recreational purposes. Generally, the reserved open space shall not be located on poorly or very poorly drained soils, and shall be accessible directly from roads within the park. The Planning Board may waive the requirement for open space when owned recreation area. A recreation fee as part of the subdivision procedure also applies.
- E. Road design, circulation, and traffic impacts. Streets within a park shall be designed by a professional engineer, registered in the State of Maine.
- (1) Streets which the applicant proposes to be dedicated as public ways shall be designed and constructed in accordance with the standards for streets in the Winslow subdivision regulations. Mobile home parks of any size are required to have paved streets. Gravel streets are not acceptable.
 - (2) Streets which the applicant proposes to remain private ways shall meet the following minimum geometric design standards.
 - (a) Minimum right-of-way width: 23 feet.
 - (b) Minimum width of paved traveled way: 20 feet.
 - (3) Any mobile home park providing spaces for more than 14 residential units shall have at least two street connections with existing public streets. Any street within a park which provides access to more than 14 residential units shall have at least two street connections leading to existing public streets, other streets within the park, or other streets shown on an approved subdivision plan.
 - (4) No individual lot within a park shall have direct vehicular access onto an existing public street.
- F. Ground water impacts.
- (1) Assessment submitted. Accompanying the application for approval of any mobile home park which is not served by public sewer shall be an analysis of the impacts of the proposed mobile home park on ground water quality. The hydro geologic assessment shall be prepared by a certified geologist or registered professional engineer, experienced in hydrogeology, and shall contain at least the following information.
 - (a) A map showing the basic soils types.
 - (b) The depth to the water table at representative points throughout the mobile home park.
 - (c) Drainage conditions throughout the mobile home park.

- (d) Data on the existing ground water quality, either from test wells in the mobile home park or from existing wells on neighboring properties.
 - (e) An analysis and evaluation of the effect of the mobile home park on ground water resources. The evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the mobile home park, at the mobile home park boundaries and at a distance of 1,000 feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the development's impact on ground water phosphate concentrations shall also be provided.
 - (f) A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.
- (2) Standards for acceptable ground water impacts.
- (a) Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
 - (b) No mobile home park shall increase any contaminant concentration in the ground water to more than 1/2 of the primary drinking water standards. No mobile home park shall increase any contaminant concentration in the ground water to more than the secondary drinking water standards.
 - (c) If ground water contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
 - (d) If ground water contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed 150%.
- (3) Subsurface waste water disposal system and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the plan.
- G. Conversion to other use. No development or subdivision which is approved under this section as a mobile home park may be converted to another use without the approval of the Planning Board, and meeting the appropriate lot size, lot width, setback and other requirements. The plan to be recorded at the registry of deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval.
- (1) The land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred.
 - (2) No dwelling unit other than a manufactured housing unit shall be located within the park.

§ 7-13. Restrictions on locations.

Mobile home parks may be located only in those zones defined for their location in the Winslow zoning ordinance.

§ 7-14. Mobile home and manufactured housing regulations.

- A. Mobile homes, when permitted by this chapter, shall conform to the following regulations:
- (1) Skirting, foundations and open porches or awnings may be installed.
 - (2) Excess materials shall not be stored under mobile homes. (Note: The state nuisance law shall apply.)

- (3) No mobile home shall be without adequate hygiene and sanitation facilities. Water supply shall be an accessible, adequate, safe and potable supply of water to be provided in each mobile home park, capable of furnishing a minimum of 125 gallons per day per mobile home space. The development of an independent water supply to serve the mobile home park shall be made only after express approval has been granted by the Code Enforcement Officer. Water service, plumbing, sewage disposal and treatment, electric power service, bottled gas service, heating equipment and fuels, refuse and garbage storage and disposal, and insect and rodent control shall be provided in full conformity with applicable state and local health regulations.

§ 7-15. Tax receipt required to move trailer.

All persons must have a tax receipt from the Town, before a mobile home is moved by them for any other person.

§ 7-16. Penalty.

Any person found guilty of violating any provision of this chapter shall be subject to a fine of not more than \$500 for each offense. Each day in which a violation is proved to exist shall constitute a separate offense.

*Town of Winslow, ME
Friday, October 5, 2018*

Chapter 8. Morals and Conduct

[HISTORY: Adopted by the Town Council of the Town of Winslow as indicated in article histories. Amendments noted where applicable.]

Article I. Rules and Regulations

[Adopted by Town Warrant, 3-8-1920, Arts. 7, 23, 43, 44 and 46]

§ 8-1. Discharging firearms; location; permit; penalty.

[Added 9-10-1990 by Ord. No. 4-1990; amended 10-10-1995 by Ord. No. 1-1995]

- A. It shall be unlawful for any person to discharge a firearm as defined in Title 17A M.R.S.A. § 2, Paragraph 12A (definition attached) in the following areas of the Town of Winslow:
Benton Avenue from the intersection of the Winslow/Waterville Bridge west to the Kennebec River and north to the urban compact line, at the Winslow/Benton Town line. South on the east side of Benton Avenue to the intersection of the Heywood Road; east on the Heywood Road to the Sebasticook River to include the south side of the Heywood Road, to follow the west side of the Sebasticook River, 15 feet from the normal high water mark, south to the west side of Mile Brook, the north side of the Dunbar Road west to the intersection of the Augusta Road, to follow the west side to Chaffee Brook north side, west to the Kennebec River, east side, north to the Winslow/Waterville bridge, except that it shall not be a violation of this ordinance to discharge a firearm under the following conditions:
- (1) In the protection of life.
 - (2) Law enforcement officers in the performance of their duties.
 - (3) An established firing range or educational program properly supervised.
 - (4) Military functions, parades, funerals.
 - (5) The killing of nuisance animals pursuant to Title 12 M.R.S.A., §§ 7501 and 7502, and pursuant to any Federal permits received by any landowner to kill nuisance birds or animals.
- B. Severability. If any provision or clause of this Ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end the provisions of this Ordinance are declared severable.
- C. Penalty. Any person or persons who violate this Ordinance shall be subject to a fine or civil penalty of not less than \$50 nor more than \$250 and, notwithstanding any other penalty provisions provided by this section, the Town Council may institute any and all actions and proceedings, either legal or equitable, including seeking injunctions for violations and including the imposition of fines and civil penalties, damages, costs, expenses and attorney's fees that may be appropriate and necessary to enforce the provisions of this Ordinance in the Name of the Town of Winslow and/or to collect or enforce any damages or claims related thereto.

- D. Definition of Title 17-A § 12-A M.R.S.A. "Firearm" means any weapon, whether loaded or unloaded, which will expel a projectile by the action of an explosive and includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun, or shot gun. Any weapon which can be readily made into a fire arm by insertion of a firing pin, or other similar thing in the actual possession of the actor or an accomplice is a firearm.

§ 8-2. Loitering prohibited; penalty; dispersal.

[Added by Town Warrant, 3-15-1949, Art. 37]

- A. No person shall stand idling or loitering upon any sidewalks or cross walk, or in or about the entrance to any public place of business or amusement, or opposite or in front of any premises on either side of any street, alley or lane, to the annoyance of the passers-by, or the owners or occupants of such places or premises.
- B. If such person neglects or refuses to move off or disperse on the request of any police officer he shall be liable to a fine of not less than \$1 nor more than \$20, or to imprisonment in the county jail not exceeding 30 days.
- C. Any police officer shall have the power to remove and disperse such person after a request to move off or disperse.

§ 8-3. Dumping rubbish on street.

No person shall sweep, place or deposit any dirt, soot, ashes, shavings, papers, hair, manure, shells, cans or any rubbish, offal or filth of any kind on any highway, street, sidewalk, court, passageway or public place.

§ 8-4. Abandoned refrigerators; penalty.

[Added by Town Warrant, 3-10-1958, Art. 99]

- A. No person shall abandon or discard any icebox or refrigerator unless the refrigerator or icebox is first stripped of any and all doors.
- B. Any person violating this section shall be punished by a fine of not less than \$10 nor more than \$50.

§ 8-5. Street closings for sliding.

[Amended by Town Warrant, 3-8-1954, Art. 9]

- A. The Council shall at its discretion close any street for the purpose of sliding.
- B. No person shall slide or coast on or upon the highway over Sand Hill and Fort Hill.

§ 8-6. Driving vehicles on sidewalk.

No person shall run, ride or drive any sled, bicycle or vehicle of any description other than a baby or invalids carriage or wheelchair on any sidewalk.

§ 8-7. Motion pictures on Sunday.

[Added by Town Warrant, 3-13-1950, Art. 83]

The exhibition of moving pictures on Sundays between the hours of 3:00 p.m. and 11:30 p.m. shall be permitted in accordance with state law.

§ 8-8. Curfew.

[Added by Town Warrant (Book 8), Art. 37]

The Council is authorized and empowered to establish a Curfew ordinance or by-law. The Council shall determine penalties, restrictions and time of operation. It was suggested that 9:00 p.m., standard time, the year round be used.

§ 8-9. Smoking prohibited at council sessions.

[Added 12-30-1974 by Ord. No. 37-1974]

- A. No person shall smoke in any room where the Town Council is in official session.
- B. Any person who refuses to extinguish a cigarette, cigar or pipe, or any other smoking apparatus, upon request of the Chairman of the Town Council shall be caused to leave or be removed by request to a Winslow Police Officer.

§ 8-10. Noise control.

[Amended 9-10-2001 by Ord. No. 7-2001; 2-8-2016 by Ord. No. 1-2016]

- A. Title. This ordinance shall be known as the "Town of Winslow Noise Control Ordinance."
- B. Findings and purpose. The Winslow Town Council finds that controlling excessive noise as provided herein is necessary to promote the health, welfare, and safety of the citizens of the Town of Winslow. It is the purpose of this ordinance to prevent any person from making, continuing, or causing noise that unreasonably interferes with the comfort, health, or safety of others within the Town of Winslow.
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

PRIVATE PLACE

Any place that is not a public place.

PUBLIC PLACE

A place to which the public at large or a substantial group has access, including but not limited to:

- (1) Public ways: public way means any public highway or sidewalk, private way laid out under authority of statute, way dedicated to public use, way upon which the public has a right of access or has access as invitees or licensees, or way under the control of parks and recreation authorities or a body having like powers;
- (2) Schools and government-owned custodial facilities; and
- (3) The lobbies, hallways or other common areas of apartment houses, hotels, public buildings and transportation terminals.

- D. Prohibition.

- (1) It shall be unlawful for any person in a public place to intentionally or recklessly cause annoyance to others by intentionally making loud and unreasonable noises after having been ordered by a law enforcement officer to cease the noise or similar such noises within the past 60 days.
- (2) It shall be unlawful for any person in a private place to make loud and unreasonable noise that can be heard by another person who is in a public place or in another private place after having been ordered by a law enforcement officer to cease the noise or similar such noise within the past 60 days.

- (3) For the purposes of this section, the term "noise" shall include, but is not limited to:
 - (a) Sounds created by radios or other electronic or mechanical devices capable of amplifying or projecting ambient noise, including such devices operated within motor vehicles;
 - (b) Sounds created in connection with use of vehicles or machinery between the hours of 10:00 p.m. and 6:00 a.m.

E. Exceptions. The following are exempt from the provisions of "d" above:

- (1) Federal, state, and local governmental activities, whether conducted by the governmental agency or by a private contractor acting on the government agency's behalf, including, but not limited to, activities of police, fire, rescue, schools, and public works;
- (2) Activities of utility agencies, including, but not limited to, vehicles and activities for the provision of water, electricity, telephone service, and sewer service; and
- (3) Public assemblies, parades, performances or athletic events for which a permit is required and has been issued by the Town of Winslow. Any such noise upon the issuance of such permit shall cease at the time as indicated on the permit.

F. Violations and penalties.

- (1) The police department shall be responsible for the administration and enforcement of this article, including but not limited to the following duties and responsibilities:
 - (a) Investigation of complaints of unlawful noise;
 - (b) Documentation of violations of this article;
 - (c) Issuance of written warnings for violation of this article; and
 - (d) Initiation and prosecution of legal proceedings to enforce the provisions of this article.
- (2) Any person who violates this chapter shall, upon conviction, be fined a civil penalty of not less than \$100 and not more than \$500 for each separate violation, which penalty cannot be suspended. If the Town is the prevailing party to an enforcement action, it shall be awarded reasonable attorney's fees and associated costs.

*Town of Winslow, ME
Friday, October 5, 2018*

Chapter 9. Parks and Recreation

[HISTORY: Adopted by the Town Council of the Town of Winslow as indicated in article histories. Amendments noted where applicable.]

Article I. In General

[Adopted 4-24-1978 by Ord. No. 4-1978; amended 9-9-2002 by Ord. No. 2-2002]

§ 9-1. Closed hours and parking restrictions for all Town recreation areas.

- A. Closed hours. All Town recreation areas shall be closed to all persons, during the following hours: 9:30 p.m. to 7:00 a.m. during the period May 1 through October 31 of each year; and 6:00 p.m. to 7:00 a.m. during the period November 1 of each year through April 30 of the following year.
- B. Unlawful to enter or be present during closed hours. It shall be unlawful for any person to enter into or be present in the any Town recreation areas during the closed hours as set forth above, except as provided in Subsections **D** and **E** below.
- C. Unlawful to park except as permitted. Motor vehicles may be parked within any Town recreation areas only in designated parking areas. It shall be unlawful for any person to park or leave standing at any time a motor vehicle in any area not designated for parking. It shall also be unlawful to park or leave standing a motor vehicle anywhere within any Town recreation areas during the closed hours as set forth above. For purposes of this section, a motor vehicle is as defined in Title 29-A, § 101(42), Maine Revised Statutes Annotated, as amended, and also including snowmobiles and all-terrain vehicles as defined in Title 12, M.R.S.A., § 7821, as amended.
- D. Persons may apply for permit. Any person, who wishes to use any Town recreation area during the closed hours as set forth above, may apply in advance to the director of parks and recreation for a written permit for such use. Any such permit must be signed by the director of parks and recreation, or his or her designees, in order to be valid. The director of parks and recreation shall establish and promulgate administrative guidelines and regulations for the issuance of such permits.
- E. Exceptions to applicability of section. The limitations on entry to or parking within all Town recreation areas as set forth in this section shall not apply to emergency vehicles or their personnel, or to Town vehicles used for maintenance, and their personnel, when acting within the scope of their employment.
- F. Law enforcement officer's authority. Any law enforcement officer shall have the authority to order any person violating any provision of this section, or any regulation promulgated in accordance therewith, to immediately cease said violation and leave the premises.
- G. Penalty. Any person violating any provision of this section shall be subject to a fine of not less than \$100 and not more than \$1,000.

Article II. Use of Municipally Owned Public Property

[Adopted 6-11-1984 by Ord. No. 2-1984; amended in its entirety 9-9-2002 by Ord. No. 2-2002]

§ 9-2. Permit required.

- A. It shall be unlawful for any organization, partnership, firm, persons, corporation, or other entity to use or make use of or organize any event or affair on any municipally owned lands, whether any such event or affair is open to the general public or not, without first obtaining a permit therefore in compliance with the provisions of this article.
- B. For the purposes of this article an "event or affair" is defined as a gathering or assembly of 30 or more persons for any common purpose or purposes whatsoever and within the immediate vicinity of each other.

§ 9-3. Applicability of article provisions; exemptions.

This article shall apply to all charitable, benevolent, religious, literary, scientific, and/or educational institutions or organizations and any other organizations, firms, corporations, persons, partnerships, or other entities, whether or not any of such are organized for profit or nonprofit purposes and whether or not any such event or affair is for profit or nonprofit or charitable purposes; except any known organized sports or events such as little league baseball, adult softball, etc., shall have first refusal on Town facilities, and any event or affair sponsored by the Town of Winslow or any of its boards, agencies, or departments, shall be exempt from this article, except that the director of parks and recreation shall retain authority over the scheduling and conduct and use of all municipally owned lands for such events or affairs sponsored by any such organization of the Town of Winslow or any of its boards, agencies, or departments.

§ 9-4. Issuance of permit; application; fee; restrictions; non-transferability.

- A. All firms, corporations, partnerships, persons, or other entities requesting such a permit under this article must complete the application furnished by the parks and recreation director and shall clearly state the date, time, place, manner, and purpose for which such permit is desired. Fees for each of such permits under this article for profit organizations or entities shall be a nonrefundable fee according to the fee schedule recommended by the Parks and Recreation Advisory Board and Director and approved by the Town Council.
- B. The parks and recreation director or his representative during normal business hours, Monday through Friday only, may approve such permit after determining that the granting of such a permit will not be detrimental to any person or to the public or a danger to the health, comfort, safety of any person or of the public. Any permit granted under the provisions hereof shall designate the place where such event or affair shall be transacted, a specified period of time in which such permit is valid, and any other terms or conditions which the parks and recreation director may require, including the furnishing of payment of utilities at the municipally owned land involved.
- C. Conduct authorized under such permit shall be limited to the hours between 7:00 a.m. and 9:30 p.m. during such days as the Winslow parks and recreation director or his representative have issued such permit; and no firm, corporation, person, organization, partnership or other entity shall have more than six permit dates scheduled at any one time within a calendar month. Consecutive permit requests will be awarded at the discretion of the Parks and Recreation Director. There shall be no limit to the number of permits issued to a firm, corporation, person, organization, partnership, or other entity in a calendar year.
- D. No permit under this article shall be issued to the applicant for any such purpose at any location where such is prohibited by the Winslow zoning ordinance, and any permit required by this article shall not be transferable.

§ 9-5. Indemnification; insurance requirements; liability for condition of municipally owned land after use thereof.

- A. Besides any other terms or conditions which the municipal officers or the parks and recreation director may place on any event or affair of any applicant/permittee, every applicant/permittee by its duly authorized representative, shall agree to release, indemnify, and hold harmless the Town of Winslow and any of the Town's officers, officials, agents, or employees, in both their personal and official or corporate capacities, from any liability or claim, whether based on a tort, contractual, or other claim of any nature whatsoever, including, but not limited to, any loss or damage to property or injury to or death of any person that arises out of any such event or affair of or by such applicant/permittee. Furthermore, if required by the municipal officers, the applicant/permittee shall procure and maintain in full force at its sole cost and expense during the term of its event or affair adequate public liability insurance and/or worker's compensation insurance coverage for such event or affair and such applicant/permittee's use and occupancy of municipally owned land therefore, and the municipal officers may further require that any such insurance be procured by the applicant/permittee specifically for the benefit and coverage of the Town of Winslow and/or its officers, officials, agents, or employees.
- B. Also, any such applicant/permittee under this ordinance, by its duly authorized representative, shall agree and be liable for and responsible to remove, at the termination of its event or affair, all of its equipment, personal property, fixtures, chattels, improvements, and all litter, trash, refuse, and debris, either owned by it or resulting from such applicant/permittee's event or affair, and to deliver up such municipally owned land at the termination of such permit under this article in a clean, neat, and pollution-free manner and its original and natural condition, ordinary wear and tear by pedestrian foot traffic excepted.

§ 9-6. Deposit for damages.

In addition to the nonrefundable fee as required by this article, the municipal officers may require the applicant/permittee to provide a deposit, in cash or certified check, in a sum not to exceed \$500, with the Town Treasurer to offset any costs incurred by the Town of Winslow for damages to any municipally owned land or any expenses incurred by the Town of Winslow as a result of or arising from that event or affair of the applicant/permittee; if, after inspection of that municipally owned land used by the applicant/permittee by the Parks and Recreation Director, no damage has occurred, the deposit shall be refunded, and if damage has occurred, the Town Treasurer shall apply such deposit towards such damage and refund the balance, if any, to the applicant/permittee, and if damage has occurred which exceeds the deposit, the applicant/permittee shall continue to be responsible for such damages as mentioned herein by this section and shall be so liable by civil suit by the Town of Winslow and by fine as herein stated in this article.

§ 9-7. Use of lands to be nonexclusive.

No applicant/permittee shall preempt any event or affair over any other event or affair which has previously been granted a permit, nor shall any applicant/permittee and the Parks and Recreation Director may grant exclusive use of that municipally owned land upon which such event or affair of the applicant/permittee shall occur.

§ 9-8. When alcoholic beverages permitted.

The applicant/permittee shall not allow any alcoholic beverages at its event or affair on such municipally owned land unless such event or affair is catered by a holder of a current license from the Maine State Liquor Commission with prior approval of the parks and recreation director.

§ 9-9. Appeal of denial of use of municipally owned land.

Any applicant/permittee denied the use of municipally owned land for any event or affair shall have the right to appeal the denial to the Town Council, and the appeal shall be made in writing, stating all information concerning the denial, and shall be filed with the Town Clerk within seven days from such denial.

§ 9-10. Improper, offensive or injurious use or occupancy; fire and police protection; provision of sanitary facilities.

- A. The applicant/permittee shall not make or suffer any waste, nuisance, or unlawful, improper, or offensive use or any use or occupancy of such municipally owned land for which a permit under this article is given which is contrary to any law, regulation, rule, policy, bylaw, or order of any state or federal government, or of the Town of Winslow, to include pets of any kind that that could be perceived to be intimidation or dangerous to the general public and any weapon, device or instrument that could be deemed dangerous in the manner of or threatened to be used is capable of death or bodily harm, or which use or occupancy of such municipally owned land by such applicant/permittee shall be injurious to any person or property or to the municipally owned land involved, or which shall be liable to endanger or affect any insurance which is pertinent to such municipally owned land or the operation thereof by the applicant/permittee or which insurance is pertinent to the applicant/permittee's event or affair.
- B. Furthermore, any applicant/permittee, if required by the parks and recreation director and so stated on the permit given under this article, shall provide at the applicant/permittee's sole cost and expense adequate fire protection and/or qualified fire department personnel or a qualified traffic control officer or officers, or a qualified police officer or officers for the purpose of maintaining order or adherence to state, federal, or municipal laws, ordinances or regulations, or for safety purposes.
- C. If any such event or affair shall include or shall reasonably be expected to include more than 30 persons participating in or gathering in any such event or affair, the applicant/permittee may have to provide sanitary toilet facilities at its sole cost and expense for such event or affair.

§ 9-11. Penalty.

[Amended 10-12-2010 by Ord. No. 3-2010]

Any firm, organization, corporation, persons or other entity which shall in any manner violate any of the provisions of this article or which violates any conditions of any permit granted under the provisions hereof, shall be subject to, besides civil lawsuit and damages, court summons and immediate suspension of such permit by the police chief or his representative, and shall upon conviction be punished by a fine of not less than \$100 nor more than \$1,000, plus restitution for any damages done or clean-up necessitated by such violations. Each incident of a violation of this article or a condition of a permit hereunder or each day any such violation continues shall constitute a separate offense, and no permit shall be issued for a period of up to 18 months.

Article III. Prohibited Conduct

[Adopted 10-10-2017 by Ord. No. 12-2017]

§ 9-12. Smoking prohibited.

- A. Definition. Smoking means inhaling, exhaling, burning, carrying or having in one's possession any lit cigar, cigarette, pipe, weed, plant or other combustible substance in any form, including e-cigarettes, vaping or smokeless tobacco.
- B. Prohibition. Smoking is prohibited in the following Town recreation areas and adjacent public parking lots and sidewalks:
 - (1) Norton Street Park.

- (2) Fort Halifax playground and basketball courts.
 - (3) Clinton Avenue playground.
 - (4) All recreational fields and sporting venues.
 - (5) Fort Halifax Park.
- C. Penalty. Prior to issuing a citation for violation of this section, a law enforcement officer shall issue one verbal warning to an individual. If the individual fails to comply after the warning, the individual shall be issued a citation to appear in court. If the individual is found to be in violation of this section, the court shall impose a fine of \$50, which may not be suspended.

Town of Winslow, ME
Friday, October 5, 2018

Chapter 10. Sewers

[HISTORY: Adopted by the Town Council of the Town of Winslow 9-25-1972 by Ord. No. 25-1972. Amendments noted where applicable.]

Article I. Definitions

§ 10-1. Definitions.

As used in this chapter:

BIOCHEMICAL OXYGEN DEMAND

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter.

BUILDING DRAIN

That 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 it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER

The extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER

A sewer receiving both surface runoff and sewage.

GARBAGE

Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

HEARING BOARD

That board appointed according to provision of Article VIII hereof.

INDUSTRIAL WASTES

The liquid wastes from industrial manufacturing processes, trade, chemical or biological firms or business as distinct from sanitary sewage.

NATURAL OUTLET

Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

pH

The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE

The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

PUBLIC SEWER

A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

PUBLIC WORKS SUPERVISOR

The public works supervisor of the Town or his designee, including the plumbing inspector.

SANITARY SEWER

A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

SEWAGE

A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

SEWAGE TREATMENT PLANT

Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS

All facilities for collecting, pumping, treating, and disposing of sewage.

SEWER

A pipe or conduit for carrying sewage.

STORM DRAIN or STORM SEWER

A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUSPENDED SOLIDS

Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

WATERCOURSE

A channel with which a flow of water occurs, either continuously or intermittently.

Article II. Public Sewers

Division 1. Use Required

§ 10-2. Prohibited deposits on property.

No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of the Town, any human or animal excrement, garbage or other objectionable waste.

§ 10-3. Prohibited discharges; use of sewers required.

No person shall discharge into any natural outlet within the Town or in any area under the jurisdiction of the Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with this chapter.

§ 10-4. Privies prohibited.

Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

§ 10-5. Connections required.

[Amended 2-14-2005 by Ord. No. 2-2005; 8-8-2016 by Ord. No. 7-2016]

- A. The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Town, shall at his expense install suitable toilet facilities therein, and connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so.
- B. The public sewer must be within 300 feet of the structure for this section to be applicable.
- C. The Planning Board through a Conditional Use Application may waive the three-hundred-foot requirement in Subsection B above thereby allowing the use of a Subsurface Waste Water Disposal allowing the use of a Subsurface Waste Water Disposal System for single-family residential buildings including any accessory buildings after having found there are unreasonable costs associated with connecting into the public sewer line.

The Planning Board shall consider the following as a minimum standard when finding unreasonable costs:

- (1) The cost of connecting into the public sewer verses the cost of an in-ground septic system. The cost differential between connecting into the public Sewer or a subsurface system should be supported by a minimum of two bids for the installation of the public sewer line and one bid for the installation of the in-ground system.
- (2) The soils conditions from the structure to the public sewer line: Soil conditions must be shown or described by a formal soils report documenting the soils conditions and difficulties between the structure and where the proposed public sewer connection is to be.
- (3) Minimum lot size. The subject property must meet both the State's minimum Lot Size law for Subsurface Disposal Systems and local zoning district minimum lot size requirements.
- (4) The complexity of the proposed design for either system. The Planning Board shall have the right to hire an independent third party for review of the applicant's cost factors. Upon such decision by the Board, the applicant shall place a sum of money in escrow with the own to cover the cost of the third party review. Said escrow amount shall be determined by the Planning Board.

Division 2. Use Regulations and Standards

§ 10-6. Prohibited discharges into sewers.

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

§ 10-7. Unpolluted drainage discharges.

- A. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the public works supervisor.
- B. Industrial cooling water or unpolluted process waters may be discharged, on approval of the public works supervisor, to a storm sewer, combined sewer or natural outlet.

§ 10-8. Prohibited waters and wastes.

- A. No person shall discharge or cause to be discharged any of the following waters or wastes to any public sewers:
- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
 - (2) Any waters 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;
 - (3) Any waters or wastes having a corrosive property after dilution, capable of causing damage or hazard to structures, equipment, and personnel of the sewage works; or
 - (4) Solid or viscous 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.

§ 10-9. Harmful or dangerous substances.

- A. No person shall discharge or cause to be discharged substances, materials, waters or wastes if it appears likely in the opinion of the public works supervisor that such wastes can harm either the sewers, the sewage treatment process, sewage treatment equipment or the quality of the effluent from the sewage treatment process, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance.
- B. In forming his opinion as to the acceptability of these wastes, the public works supervisor 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 any other pertinent factors.

§ 10-10. Harmful substances; power of supervisor to restrict.

- A. If any waters, wastes, materials or substances are discharged or are proposed to be discharged to the public sewers, which in the judgment of the public works supervisor 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 public works supervisor may:
- (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (3) Require control over the quantities and rates of discharge;
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of § 8-15.
- B. If the public works supervisor permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the public works supervisor, and subject to the requirements of all applicable codes, ordinances, and laws.
- C. If a violator or noncompliance with industrial pretreatment and related requirement of the Kennebec Sanitary Treatment District (KSTD) rules and regulations or applicable federal and state regulations is identified by the Kennebec Sanitary Treatment District, the Town after authorization of the Town Council may initiate such enforcement action that is requested by the district, or the Town may request the district to proceed with an enforcement action. Failure of the Town to act within the time stated by the Kennebec Sanitary Treatment District shall be deemed a request that the district proceed with an enforcement action.

In an emergency, the Kennebec Sanitary Treatment District may proceed immediately with an enforcement action and give concurrent notice to the Town of its acts.

§ 10-11. Grease, oil and sand interceptors.

- A. Grease, oil, and sand interceptors shall be provided when, in the opinion of the public works supervisor, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection.
- B. This system shall be maintained at the expense of the owner.

§ 10-12. Maintenance of treatment facilities.

Where preliminary treatments of flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

§ 10-13. Manhole installations.

[Amended 5-12-1975 by Ord. No. 48-1975]

- A. When required by the public works supervisor, the owner 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 in the building sewer to facilitate observation, sampling, and measurement of the wastes.
- B. The manhole, when required, shall be accessibly and safely located. It shall be constructed in accordance with plans approved by the public works supervisor. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- C. The owner when requested shall keep records and report the results of such monitoring to the public works supervisor. Such records shall be made available upon request by the public works supervisor to other agencies having jurisdiction over discharges to the receiving waters.

§ 10-14. Analysis of waters and wastes.

- A. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. The characteristics shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole.
- B. 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 of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

§ 10-15. Cost recovery.

[Added 5-12-1975 by Ord. No. 48-1975]

- A. The Town Council shall establish the user charge and industrial cost recovery system in accordance with appropriate federal and state rules and regulations pertaining to the costs associated to the use of the sewer by an industry.
- B. The Town Council shall establish the user charge system in accordance with appropriate federal and state rules and regulations pertaining to the costs associated to the use of the sewer by a non-industrial user.
- C. 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 public works supervisor at least 45 days prior to the proposed change or connection.

§ 10-16. Special disposal agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment, by the industrial concern.

Article III. Private Disposal Systems

§ 10-17. Private disposal permitted.

If a public sanitary or combined sewer is not available under the provisions of Article II, § 10-5, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

§ 10-18. Discharge of septic tank contents into sewers.

Contents of septic tanks shall not be discharged into the public sewers unless written permission is obtained prior to the discharge from the public works supervisor.

§ 10-19. Additional requirements to article.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer, the state plumbing code or the State Health and Welfare Department.

§ 10-20. Connection with public sewer; time limit.

When a public sewer becomes available, the building sewer shall be connected to the sewer within 60 days. The private sewage disposal system shall be cleaned of sludge and filled with gravel or dirt. The time limit for a connection may be extended for valid and extenuating circumstances at the discretion of the public works supervisor.

Article IV. Building Sewers and Connections

§ 10-21. Building sewer or connection permit.

No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance without first obtaining a written permit from the public works supervisor.

§ 10-22. Building sewer permits; application; fee.

- A. There shall be two classes of building sewer permits:
 - (1) For residential and commercial service; and
 - (2) For service to establishments producing industrial wastes.
- B. In either case, the owner or his agent shall make application on a special form furnished by the Town. Their permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the public works supervisor.
- C. A permit and inspection fee of \$3 for a residential or commercial building sewer permit and \$5 for an industrial building sewer permit shall be paid to the Town at the time the application is filed.

§ 10-23. Installation costs; indemnification.

[Amended 3-8-2004 by Ord. No. 1-2004]

- A. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner.
- B. The owner shall indemnify the Town for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer, if the damage or loss is a result of negligence on the part of the owner.
- C. Construction and Extensions of the Town drains and sanitary sewer system; assessments and deferred payments.
 - (1) The Town Council may at any time direct the construction of or extensions to the Town's drains and sanitary sewer system wherever it is determined necessary for public convenience, or health, safety, or welfare such as to abate pollution or to serve presently undeveloped areas of the Town, or for the Town's general betterment.
 - (2) The Town of Winslow tax assessor and the Town of Winslow tax collector are authorized to assess and collect against the owner of the land or person in possession, or against whom the taxes on the land are assessed, on an installment basis over a period not exceeding 10 years - if so-authorized by the Town Council, that portion of the sum not exceeding the benefit the Town Council considers just and equitable towards defraying the costs of constructing and completing public drains or sewer abutting such lots and parcels of land, together with any sewage disposal units and appurtenances necessary thereto, pursuant to the terms, conditions, limitations, guidelines and requirements of Title 30-A M.R.S.A., §§ 3441 — 3445, as amended. The authority to assess and collect any installments due in a given year owed by any person so assessed shall be based on a certified list filed by the Town Council with the tax collector. Assessments for such costs shall include but not be limited to all costs of construction, land acquisition, engineering, administration and interest paid on project financing, and may be assessed pro-rata to reflect the ratio of frontage along the sewer line of each property owner to the total frontage of all abutters along the sewer construction project.
 - (3) Payments of assessments against such abutting properties as determined by the Town Council shall not be deferred except in the event that the owner or person assessed for any such abutting property benefited by the establishment of a new public drain or sewer is unwilling or unable to pay his or her share of the allocated portion of the construction costs at the time of assessment, whereby payment of the assessment may be deferred by written agreement approved by the Town Council, between the Town and the affected property owner or person assessed for a period of not more than 10 years on such conditions as may be authorized under 30-A M.R.S.A., § 3444, as amended.

§ 10-24. Multiple sewer connections.

A separate and independent sewer shall be provided for every building. The owner shall be required to obtain written permission before constructing or causing to be constructed a system that connects building sewers

from two or more separate buildings on one or more lots, from the public works supervisor.

§ 10-25. Old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the public works supervisor, to meet all requirements of this chapter.

§ 10-26. Building sewer specifications.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the state plumbing code and the applicable regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

§ 10-27. Sewer elevation.

The building sewer shall be brought to the building at an elevation below the basement floor. In any building in which the sanitary outlet is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

§ 10-28. Runoff and groundwater prohibited.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

§ 10-29. Sewer connection requirements.

- A. The connection of the building sewer into the public sewer shall conform to the applicable regulations of the Town and the state plumbing code.
- B. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials shall be approved by the public works supervisor before installation.

§ 10-30. Inspection and connection; notification of supervisor.

The applicant for the building sewer permit shall notify the public works supervisor when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the public works supervisor or his representative.

§ 10-31. Excavations; restoration.

- A. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.
- B. Streets, side-walks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

§ 10-32. Institutional, industrial or commercial buildings; manholes.

- A. When any building sewer is to serve a school, hospital or similar institution or public building, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the public works supervisor will receive sewage or industrial wastes of such volume or character that frequent maintenance of the building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The public works supervisor shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the public works supervisor.
- B. If required a new manhole shall be installed in the public sewer and the building sewer connection made thereto as directed by the public works supervisor.

Article V. Sewer Permits

§ 10-33. Permit issuance.

- A. Permits shall be issued for the following classifications:
 - (1) For residential, commercial building sewers, and private systems.
 - (2) For industrial sewer connections.

§ 10-34. Food processing wastes; permits.

Permits for biological, chemical, and milk and food processing wastes may be issued, subject to conditions as set by sanitary practices of pretreatment and upon further conditions that the manufacturer of the wastes consent to pay all extra charges levied for final treatment.

§ 10-35. Building drainage system prior to 1972.

- A. For a building located on a street officially accepted by the Town prior to November 1, 1972, the building foundation drainage system may be connected to a public sanitary sewer provided that a surface or subsurface storm water drainage system is not available for the removal of the foundation drainage.
- B. Whenever such a connection is made, the foundation drainage system shall be kept separate and distinct from the building's sanitary drainage system and shall be joined to the public sanitary sewer with a separate connection at the property line. Such foundation drainage connections shall not be permanent, but shall be terminated within 60 days after storm water drainage facilities become available.

Article VI. Prohibited Activities

§ 10-36. Destruction prohibited.

- A. 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 sewage works.
- B. Any person violating this section shall be subject to immediate arrest.

Article VII. Public Works Authorities

§ 10-37. Access required; identification cards.

The public works supervisor and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter.

§ 10-38. Access to private property.

The public works supervisor and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§ 10-39. State Plumbing Code.

Sewer uses and/or construction not covered under this chapter shall be governed by the state plumbing code.

Article VIII. Hearing Board

§ 10-40. Hearing Board designated.

The zoning board of appeals shall serve as a hearing board for this chapter for arbitration of differences between the public works supervisor and sewer users on matters concerning interpretation and execution of the provisions of this chapter by the public works supervisor. The cost of the arbitration will be divided equally between the Town and the sewer user.

§ 10-41. Board's jurisdiction and powers.

- A. The zoning board of appeals shall have the following powers and duties to be exercised only upon written appeal by a party aggrieved by a decision of the public works supervisor, the Town health officer and/or the plumbing inspector insofar as such decision arises from requirements of this chapter:
- (1) To determine whether the decisions of the officers are in conformity with the provisions of this chapter and to interpret the meaning of this chapter in cases of uncertainty;
 - (2) To grant variances from the terms of the chapter where there is no substantial departure from the intent of the chapter and/or where necessary to avoid undue hardship. A projected expenditure of an amount exceeding 15% of the assessed value of the buildings on the land to be served by the public sewer shall be considered as prima facie evidence of undue hardship; and
 - (3) To permit an exception to this chapter only when the terms of the exception have been specifically set forth by this chapter.

§ 10-42. Public hearing; notice.

A public hearing shall be held within 30 days of date that an appeal is filed. Public notice shall be given at the Town office and in the paper of general circulation serving the Winslow area at least seven days in advance of the hearing. Appellant shall be charged \$20 for the cost of notification of the public hearing. The amount shall be paid to the treasurer prior to publishing the notification of the public hearing.

§ 10-43. Written decision.

A decision in writing, shall be given to the appellant within nine days of the hearing.

Article IX. Penalties

§ 10-44. Notice of violation.

Any person violating any section of this chapter except Article VI shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction of the violation. The offender shall, within the period of time stated in such notice, permanently cease all violations.

§ 10-45. Penalty.

- A. Any person continuing any violation beyond the time limit provided for in § 10-49 shall be guilty of a misdemeanor. Upon conviction, such person shall be fined in the amount not exceeding \$100 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- B. Any person violating any section of this chapter shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.

Article X. Construction Standards for Main Lines Proposed to be Accepted By the Town

[Added 7-14-2003 by Ord. No. 3-2003; amended 3-8-2004 by Ord. No. 1-2004; 2-14-2005 by Ord. No. 2-2005; 4-14-2014 by Ord. No. 3-2014; 8-8-2016 by Ord. No. 7-2016]

§ 10-46. Engineering, as-built and materials and performance testing required.

- A. Any sewer main line (gravity or force main and associated manholes and pump stations) to be proposed for acceptance by the Town as a municipal utility shall be engineered by a Maine registered professional engineer. Plans for such infrastructure must be stamped by the developer's Maine registered engineer prior to presenting to the Planning Board as part of new street or subdivision proposals. Prior to acceptance by the Town, As-Built Plans must be submitted to the Public Works Director, and Public Works Director shall notify the Town Manager and Town Council, in writing, that the As-Built and associated testing documentation meet the satisfaction of the Public Works Department.
- B. No municipal gravity sewer line will be accepted by the Town which is sized less than eight inches in diameter. All lines, manholes, stations and related construction materials must be specified on the plans (and subsequent As-Built) submitted by a developer's Maine registered professional engineer.

Town of Winslow, ME
Friday, October 5, 2018

Chapter 11. Streets

[HISTORY: Adopted by the Town Council of the Town of Winslow as indicated in article histories. Amendments noted where applicable.]

Attachment 1 - Article 2. Standard for Streets to be Accepted and Deeded Town Way 

Attachment 2 - Chart B Typical Sections 

Article I. Street Construction Requirements

[Adopted 9-11-2006 by Ord. No. 3-2006; amended in its entirety 12-12-2016 by Ord. No. 12-2016]

§ 11-1. Purpose.

The purpose of this section is to:

- A. Promote public health, safety and welfare of the residents of Winslow by establishing construction standards for public and private roads.
- B. Establish minimum specifications for the design and construction of driveways and roads.
- C. Ensure that safe and sufficient access is provided to all development within the Town.
- D. Promote road durability and reasonable service life.
- E. Establish minimum standards for traffic safety and the carrying capacity of roads.

§ 11-2. Applicability.

These standards shall apply to all new and expanded public roads and driveways within the Town of Winslow that are designed, installed or constructed as of the effective date of these standards on September 11, 2006.

§ 11-3. Standard requirements.

- A. Provisions of safe and adequate access. All development, structures, and buildings located in the Town of Winslow shall have access to a public road. The type of access will vary, depending on the location and number of residential dwelling units. Commercial and other non-residential access shall be designed based upon the estimated daily vehicular trips. Classifications are as follows.
 - (1) Private driveway (for residential use only). A private driveway may not serve more than two residential dwellings. It is intended for private access and is not eligible for public acceptance. Lots may be permitted only after the 20 feet. Right-of-Way is recorded at Kennebec County Registry of Deeds. Planning Board approval is required prior to construction.
 - (2) Common private driveway (for residential use only). A common private driveway may serve no more than four residential dwellings. Common driveways are intended to serve rear lot development and small housing clusters with limited potential for additional housing. They are not eligible for public

acceptance. Lots may be permitted only after the 35 feet. Right-of-Way is recorded at Kennebec County Registry of Deeds. Planning Board approval is required prior to construction.

- (3) Rural standard road. A rural standard road is designed to serve up to 40 residential dwelling units. This road design is intended for small to moderate-sized subdivisions and developments.
 - (4) Rural collector roads. A rural collector road is designed to serve developments of more than 40 residential dwellings. These roads are intended for use in major developments and as 'collector streets' for other, smaller rural roads.
 - (5) Urban standard roads. An urban standard road is designed for up to 40 residential units in densely developed residential subdivisions within the MOOT Urban Compact Area. Curbs and gutters are required.
 - (6) Urban collector roads. An urban collector is designed to serve over 40 residential units in densely developed areas within the MOOT Urban Compact Area or streets serving multiple commercial establishments within the MOOT Urban Compact Area. Depending on traffic analyses, more than two traffic lanes, and turning lanes, may be required. Sidewalks, curbs and gutters are required. These roads serve as 'collector streets' for other, smaller urban roads.
- B. Commercial and non-residential development. Driveways, parking lots and roads proposed to serve commercial and non-residential developments shall be designed by a professional engineer and designed to serve the estimated daily vehicular trips for the proposed use.
 - C. Exceeding design category. Nothing shall prevent a person from designing and building a road or driveway to a higher category than required by these standards.
 - D. Future upgrades. All roads and driveways constructed after the effective date of these standards may not serve new development that would exceed the dwelling unit design threshold of the road or driveway in which they were constructed, unless the road or driveway is expanded according to these standards.
 - E. Upgrades to existing roads. A road built prior to the effective date of these standards shall be upgraded in conformance with these standards whenever the existing road provides the only access for proposed development and would exceed the design threshold. The Planning Board may determine that an upgrade is not required, but only if the new development will also be served by another Town road or if the expansion makes a new connection to another Town road.

§ 11-4. Procedural requirements.

- A. The Planning Board shall review applications for establishment of new or upgraded roads under this section or in conjunction with subdivision applications. The developer may not make field changes to engineered plans accepted by the Planning Board; construction must conform to accepted plans. If changes are necessary, the developer must present proposed changes to the Planning Board prior to continuing with construction.
- B. The Planning Board shall evaluate the type of road selected by the applicant to ensure that the road will be capable of accommodating future development expansion. The Planning Board may vote to require a higher road classification and shall consider the following in making its determination:
 - (1) Whether the particular conditions of the site allow for future expansion.
 - (2) A phase built-out of the subdivision is proposed.
 - (3) The applicant owns or has retained land adjacent to the subdivision with future development potential.
 - (4) Land adjacent to the proposed subdivision is suitable for future development.

- (5) The density, and anticipated traffic volume, of development accessing the road.
- C. The applicant shall provide, to the Planning Board, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed road, and existing roads within 300 feet of any proposed intersection. The road plans shall be designed by a professional engineer. The plan view shall be at a scale of one inch equals no more than 50 feet. The vertical scale of the profile shall be one inch equals no more than five feet. The plans shall include the following information:
- (1) Date, scale and north point indicating magnetic or true north.
 - (2) Intersections of the proposed road with existing roads.
 - (3) Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks and curbs.
 - (4) Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to existing and natural waterways and proposed drainage ways.
 - (5) Complete curve data shall be indicated for all horizontal and vertical curves.
 - (6) Turning Radii at all intersections.
 - (7) Centerline gradients.
 - (8) Size, type and locations of all existing and proposed overhead and underground utilities.
 - (9) Erosion control plan showing all temporary and permanent measures.
 - (10) Storm water control plan for the roadway.
 - (11) Stamp and signature of the engineer.
- D. Engineering waivers. Engineering alternatives for new or different materials and practices may be considered by the Planning Board, provided that the intent of these standards is not reduced. The applicant shall hire a professional engineer to provide the Planning Board with all necessary information, in order to determine the adequacy of the proposed alternative.

§ 11-5. Driveway and common driveway design standards.

All driveways and common driveways shall be constructed to the following minimum standards:

- A. General standards for driveways and common driveways.
- (1) A driveway shall be considered a private way and shall be maintained by its owner or owners.
 - (2) A turnaround area shall be provided for every portion of the driveway in excess of 800 feet.
 - (3) Each driveway shall be designed with sufficient vehicle turnaround area to enable a driver to exit onto the road without backing onto the road.
- B. Driveway standards.
- (1) The minimum right-of-way is 20 feet for shared use.
 - (2) The minimum travel way is 10 feet.
 - (3) The minimum gravel surface depth shall be 12 inches.
 - (4) The minimum intersection with the road is 75°.

- (5) The maximum grade within 75 feet of the road intersection is 3%.

C. Common driveway.

- (1) The minimum right-of-way is 35 feet.
- (2) The minimum travel way is 14 feet.
- (3) The minimum gravel surface shall be 16 inches.
- (4) The minimum intersection with the road is 75°.
- (5) The minimum grade within 75 feet of the road intersection is 3%.
- (6) The maximum length is 2,400 feet.

Article II. Standards for Streets to Be Accepted and Deeded Town Ways

[Adopted 9-11-2006 by Ord. No. 3-2006^[1]; amended in its entirety 12-12-2016 by Ord. No. 12-2016]

[1] *Editor's Note: This ordinance superseded prior provisions.*

§ 11-6. Minimum standards for streets.

Refer to: Charts A and B at end of this Ordinance.^[1]

Notes:

1. All construction methods and materials shall conform to the most recent "Standard Specifications for Highway & Bridges, State of Maine Department of Transportation," or approval by the director of public works.
2. Dust and Mud Control. Dust and mud control measures are required during construction. All foreign matter will be removed promptly from all public ways located within the Town of Winslow resulting from such construction.
3. Penalty. Any contractor found in violation of this § 11-6 shall be subject to a fine of not more than \$2,000, exclusive of the Town's costs and attorney's fees which shall be recoverable to the Town. The Town of Winslow may, in addition to any civil penalties, costs and attorney's fees, be paid all its resulting and compensatory damages, costs, and expenses related to any violation of this section.

[1] *Editor's Note: Charts A and B are included as attachments to this chapter.*

§ 11-7. Markers required.

Granite monuments at least four inches in width and four feet in length must be set at all street corners or breaks in street lines including P.C. and P.T. points or curves, and at boundary corners or subdivisions.

§ 11-8. Preconstruction.

- A. The centerline of the roadway shall be the centerline of the right-of-way.
- B. Before any clearing has started on the right-of-way the centerline and sidelines of the new road shall be staked or flagged at fifty-foot intervals.
- C. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, sidewalks, drainage and utilities shall be cleared of all stumps, roots, brush and other objectionable material.

All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.

- D. All organic materials shall be removed to a depth of two feet below the sub-grade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the sub-grade of the roadway. On soils which have been identified as not suitable for roadways, either the subsoil shall be removed from the road site to a depth of two feet below the sub-grade and replaced with material meeting the specifications for gravel sub-base or a suitable geotextile may be used.
- E. After the sewer has been constructed, the entire area of the street shall be graded to finished grade as shown on the plan, profile and cross sections. The roadway shall be graded with the good building gravel or crushed stone. The sidewalks shall be graded with gravel or crushed stone and the planting spaces or esplanades between the sidewalks and the roadways shall be graded with loam. At all corners at the ends of the curves approved, granite bounds shall be set under the direction of the engineer.
- F. Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one-foot vertical, and shall be graded, leached, limed, fertilized, and seeded according to the erosion control plan. Where a cut results in exposed ledge, a side slope, no steeper than one for horizontal to four feet vertical, is permitted.
- G. All water lines and sanitary lines shall be located and separated as prescribed by local and state requirements. The placement of water lines and sewer lines shall be reviewed by the Kennebec Water District and the Winslow Public Works Director (or his designee), respectively.

§ 11-9. Storm water.

- A. All roads shall be designed with adequate drainage facilities to provide for the removal of storm water and to prevent flooding of the pavement and erosion to adjacent property.
- B. The erosion control plan shall show all temporary and permanent measures, designed in accordance with the "Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, March 1991," or as most recently amended.
- C. The storm water control plan shall be designed in accordance with "Storm Water Management for Maine: Best Management Practices," published by the Department of Environmental Protection, as most recently amended.
- D. If storm water is proposed to be directed into the Town of Winslow storm water system, the Public Works Director (or his designee) shall approve the proposed design and flow into the Town's system.
- E. Prior to acceptance by the Town, a drainage easement shall be provided to the Town for the deposit of storm water into private retention ponds serving the storm water system.

§ 11-10. Design of dead-end roads.

- A. A dead end road is one which has only one access to an existing public road. A dead end road is limited to 20 dwelling units. Roads that serve more than 20 dwelling units shall have at least two access points to an existing public road.
- B. Dead end roads shall be designed with a terminus suitable for emergency and public vehicles. If designed as a cul-de-sac (rounded) terminus, the paved portion of the road shall be at least 60 feet in radius, with a right-of-way extending at least 10 feet beyond the pavement. If designed as a Hammerhead (flat) terminus, pavement must extend a minimum of 60 feet by 120 feet.
- C. Driveways are not permitted to access a hammerhead or T-turn around.

§ 11-11. Curbs and sidewalks.

- A. All roads entering a curbed street should be curbed with materials matching the street curbing.
- B. Sidewalks are required on an Urban Connector Road. Sidewalks shall meet the following minimum standards:
 - (1) Sidewalks may be located adjacent to the curb, but it is recommended to locate sidewalks a minimum of 2 1/2 feet from the curb facing or edge of shoulder if the street is not curbed.
 - (2) A bituminous sidewalk shall have a gravel base course of at least 12 inches and two-inches of bituminous pavement surface conforming to the MDOT specification for finish pavement. A Portland cement concrete sidewalk shall have a gravel base course of at least 12 inches and a surface shall be four inches of concrete reinforced with a six-inch square, number 10 wire mesh.
 - (3) All sidewalks shall measure at least five feet in width.

§ 11-12. Status of roads.

- A. Acceptance as Town roads.
 - (1) The approval by the Planning Board of a proposed driveway or road shall not be deemed to constitute, nor be evidence of, acceptance by the Town.
 - (2) Only roads conforming to the design and construction standards contained in these ordinances are eligible for Town acceptance.
- B. Road maintenance responsibility. The maintenance of a road shall be the responsibility of the subdivision owners, developers, or road owners until such time that the road is accepted by the Town.

§ 11-13. Utility installation and grading of roadway.

After the sewer, storm drains, and water lines have been constructed, the entire area of the street shall be graded to rough grade as shown on the plan, profile and cross-sections.

§ 11-14. Construction testing and as-builts.

- A. Developers constructing streets with the approval of the Planning Board must employ a Maine registered engineer throughout all construction phases of the project. This engineer must be available to the Public Works Director regarding questions of construction materials, testing and methods.
- B. Prior to acceptance of the new street by the Town, the developers engineer will submit to the Public Works Director the following:
 - (1) All construction material product specifications including for manholes, basins, pipe, covers, signage, lighting, concretes, etc.
 - (2) Testing results for gravel materials brought to the site (testing completed by a Maine licensed testing firm confirming gravel specifications listed in this chapter). The number of tests are to be determined by the Public Works Director.
 - (3) Testing results for gravel materials 'compaction' on site (testing completed by a Maine licensed testing firm confirming gravel compaction specifications listed in this chapter). Trench compaction testing must also be included if utilities are being installed. The number of tests are to be determined by the Public Works Director.
 - (4) Testing results for asphalt paving materials and compaction placed on site (testing completed by a Maine licensed testing firm confirming asphalt pavement specifications listed in this chapter). The

number of tests are to be determined by the Public Works Director.

- (5) As-Built or Record Drawings completed and stamped by the developer's engineer.
- C. The Public Works Director shall in writing inform the Code Enforcement Officer and Planning Board when these have been received, indicating whether construction materials and methods have met the requirements of the Town's codes in these regards.

Article III. Street Excavations

[Adopted 3-9-1987 by Ord. No. 1-1987; amended in its entirety 9-11-006 by Ord. No. 3-2006; 2-8-2015 by Ord. No. 1-2015]

§ 11-15. Permit required.

Any person, firm, contractor or utility must obtain a street opening permit prior to excavation of any Town street and/or way by filling out the most current street opening application provided by the Public Works Director or his/her designee.

§ 11-16. Application.

After the application for the permit is completed, the contractor will review the area to be excavated with the Public Works Director or his/her designee.

§ 11-17. Fee and deposit.

- A. Before the permit is issued, by the Public Works Director, a non-refundable permit fee of \$75, and the impact fee must be paid in full. The impact fee is based on the type and amount of surface to be opened or excavated under the permit on a per square yard basis. Said rate to be set by the Public Works Director with the approval of the Town Manager and shall reflect current materials, labor, and equipment costs. The impact fee will be held in escrow and refunded to the applicant upon satisfactory repair of the roadway, minus 10% calculated from the final disturbed area.
- B. After the excavation has been made and backfilled, the actual square yardage of disturbed area, including any areas adjacent to the installation of disturbed by blasting or other similar cause, will be measured by a representative of the Public Works Department. If the final impact fee based upon actual measurements differs from the estimated impact fee, an adjustment will be made either in the form of a refund or bill showing the additional amount due.
- C. For Public Utilities and Governmental Institutions, where the calculated impact fee is less than \$1,500, only 10% of this cost needs to be paid, plus the non-refundable permit fee.

§ 11-18. Issuance of permit.

- A. The Public Works Director or his/her designee may execute and issue a Street Opening Permit for the Town of Winslow. No owner or his/her contractor may commence street excavation without a copy of the permit. The owner of the connecting facility, as well as his/her contractor, jointly and/or severally shall be the responsible party.
- B. Permits for any portion of a road, the construction of which was completed within the time frames detailed below prior to the date of the permit, may be subject to additional fees before the permit is granted; except in the case of an emergency. No work shall be done by the utility of any such section of road until the permit has been approved by the Public Works Director or his/her designee:

- (1) Any overlay more than 5/8 inch "maintenance paving"; three years.
 - (2) Any construction work of higher order than an overlay, such as: "reclaiming," "foamed asphalt," and full depth base replacement; five years.
- C. If the applicant can show that the need for a permit could not have been reasonably anticipated before the road was paved, and has made an effort to investigate alternate installation procedures, an "emergency" permit may be issued. For any permit issued within the time frame mentioned above, the Town of Winslow may make sufficient charge, over and above the normal opening charge, to offset the cost of additional inspection and/or paving adjacent to the opening.
- D. No permit, except in the case of an emergency, shall be granted between October 31 and March 31. When an opening is deemed to be an emergency, the permit holder will be required to provide temporary paving and to maintain the trench until the frost is out of the ground.

§ 11-19. Excavation, backfilling and placement of utilities requirements.

The following requirements will be adhered to unless exceptions or additions are noted on the permit:

- A. Contractor will provide proper traffic and safety control at all times.
- B. One-way traffic will be maintained.
- C. Pavement will be excavated along neat lines.
- D. No sewer pipe will be placed on a bed of not less than six inches of sand-type granular material having no stones greater than one inch in diameter.
- E. No backfilling will be conducted without authorization of the director of Public Works.
- F. Backfill material shall be same granular material as the bed for a distance of one foot over sewer pipe.
- G. The remainder of backfill shall be of granular material having stones no larger than four inches in diameter.
- H. Backfilling will be by layer method, compacted in eight-inch layers by vibrator method, or as approved by the director of public works, up to the finish grade.
- I. No pavement will be placed without authorization of the director of public works, and shall not be less than thickness of existing pavement.
- J. Any pavement damage by contractor will be replaced as so directed by the director of public works.
- K. The installation of new utilities or the relocation of existing utilities must adhere to the minimum horizontal separation standards below:

Utilities	Minimum Separation (feet)	Recommended Separation (feet)
Water and sewer	10	10
Water and storm drains	6	10
Water and natural gas	6	10
Water and electric	6	6
Water and telephone/cable	6	6
Sewer and storm drains	6	10
Sewer and natural gas	6	6

Utilities	Minimum Separation (feet)	Recommended Separation (feet)
Sewer and electric	6	6
Sewer and telephone/cable	6	6
Storm drains and natural gas	4	6
Storm drains and electric	4	6
Storm drains and telephone/cable	4	6
Electric and natural gas	4	4
Electric and telephone/cable	4	4
Telephone/cable and natural gas	4	4

Separation distances are from outside dimension to outside. The minimum vertical separation is one foot. The crossing of utilities should be as close to 90° as possible. Separation distances include the utility pole separation.

§ 11-20. Acceptance.

[Amended 12-12-2016 by Ord. No. 12-2016]

- A. Upon acceptance by the director of public works, 90% of the impact fee calculated from the final disturbed area shall be refunded, minus any funds as directed by the director of public works for additional or future repair to that excavated portion of the Town street, way, or property in order to return such portion to its original condition prior to such excavation.
- B. If satisfactory repairs are not done in a timely fashion and upon reasonable notice to the permit holder to do the same, the Town will accomplish the final restoration and will deduct the cost from any fees to be refunded to the permit holder.
- C. It shall be the duty of the permit holder to guarantee and maintain the site of the excavation work in the same condition it was prior to the excavation for 12 months after restoring it to its original condition.

§ 11-21. Exceptions.

Any emergency deemed such by the director of public works or his designee in his absence, shall not need an opening permit prior to work, and the director of public works or such designee shall be notified as soon as possible, and contractor/owner will secure an after-the-fact permit pursuant to the requirements of this article.

§ 11-22. Penalty.

Any contractor or owner found in violation of this article shall be subject to a fine of not more than \$2,000, exclusive of the Town's costs and attorney's fees which shall be recoverable to the Town. The Town of Winslow may in addition to any civil penalties, costs and attorney's fees, be paid all its resulting and compensatory damages, costs and expenses related to any violation of this article.

Article IV. Street Entrances

[Adopted 3-9-1987 by Ord. No. 1-1987; amended in its entirety 9-11-2016 by Ord. No. 3-2016]

§ 11-23. Permit required; fee.

No person, firm or contractor shall construct an entrance on any Town way without obtaining a street entrance permit. A site review shall be conducted by the director of public works or his designee before the permit is issued. Permit fee (nonrefundable) shall be \$50.

§ 11-24. Construction requirements.

- A. When a culvert or drainage structure is required, it shall be furnished by the owner and installed by owner or his earthwork contractor under the direction of the director of public works. The culvert or structure, if within the Town's right-of-way, will be maintained by the Town of Winslow thereafter.
- B. No Town Street, way, or property shall be altered without written permission. Drainage culverts and ditch lines may not be altered, removed, or filled without written permission of the director of public works.
- C. Any Town street, way, or property disturbed shall be repaired as directed by the director of public works.
- D. A residential lot shall have an entrance no wider than 25 feet along edge of pavement.
- E. A commercial or industrial entrance shall be no wider than 30 feet in width for a single entrance.

§ 11-25. Acceptance.

After construction is completed, the director of public works shall inspect for acceptance. Any changes deemed necessary shall be borne by the owner. A turnaround is required on all dead ends streets before acceptance.

§ 11-26. Penalty.

Any person failing to meet the conditions in §§ 11-21 to 11-22 shall be subject to cost of any construction by the Town to repair or return the Town's street, way, or property to its original condition prior to any damage by such violator and a civil penalty of not more than \$500 exclusive of the Town's costs and expenses and attorney's fees which shall be recoverable to the Town.

Article V. Road Postings

[Adopted by Town Warrant, 3-11-1947, Art. 54; amended 2-14-1977 by Ord. No. 62-1976; 9-11-2006 by Ord. No. 3-2006; 9-10-2012 by Ord. No. 10-2012; 2-9-2015 by Ord. No. 1-2015; 11-9-2015 by Ord. No. 10-2015; 12-12-2016 by Ord. No. 12-2016]

§ 11-27. Restrictions and notices.

- A. The Director of Public Works may, either seasonally or permanently, impose such restrictions on the gross registered weight of vehicles as may, in his or her judgment, be necessary to protect the traveling public and prevent abuse of the highways and designate the Town ways and bridges to which the restrictions apply. Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein.
- B. The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signature of the director of public works. The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the traveled way. Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices. No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

§ 11-28. Exemptions.

Vehicles that are exempt from the Maine Department of Transportation's (MOOT) 'Rules and Regulations Restricting Heavy Loads on Closed Ways' dated December 31, 1996 and amended on March 4, 1998, are exempt from this Ordinance. In addition, any vehicle delivering home heating fuel and operating in accordance with a permit issued by MOOT under 29-A M.R.S.A. § 2395(4) and, when necessary during a period of draught emergency declared by the governor, any vehicle transporting well drilling equipment for the purpose of drilling a replacement well or for improving an existing well on property where that well is no longer supplying sufficient water for residential or agricultural purpose and operating in accordance with a permit issued by the MOOT under 29-A M.R.S.A. § 2395 (4-A).

§ 11-29. Permits.

- A. The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the director of public works for a permit to operate on a posted way or bridge notwithstanding the restriction. The director of public works may issue a permit only upon all of the following findings:
- (1) No other route is reasonably available to the applicant;
 - (2) It is a matter of economic necessity and not mere convenience that the applicant use the way or bridge;
 - (3) The applicant has tendered cash, a bond or other suitable security running to the municipality in an amount sufficient, in the judgment of the director of public works, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same;
- B. Even if the director of public works makes the foregoing findings, he or she need not issue a permit if the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage to a way or bridge maintained by the municipality. The number of permits issued by also be limited by the director of public works if deemed necessary to preserve and protect the highways and bridges.
- C. In determining whether to issue a permit, the director of public works shall consider the following factors:
- (1) The gross registered weight of the vehicle;
 - (2) The current and anticipated condition of the way or bridge;
 - (3) The number and frequency of vehicle trips proposed;
 - (4) The cost and availability of materials and equipment for repairs;
 - (5) The extent of use by other exempt vehicles;
 - (6) Such other circumstances as may be relevant.
- D. The director of public works may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

§ 11-30. Administration and enforcement.

This article shall be administered by the director of public works and may be enforced by the municipal officers.

§ 11-31. Penalties.

Any violation of this article shall be a civil infraction subject to a fine of not less than \$250 nor more than \$1,000. Each violation shall be deemed a separate offense. In addition to any fine, the municipality may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs. Prosecution shall be in the name of the municipality and shall be brought in the Maine District Court.

*Town of Winslow, ME
Friday, October 5, 2018*

Chapter 12. Subdivisions

[HISTORY: Adopted by the Town Council of the Town of Winslow 5-10-2004 by Ord. No. 02-2004; amended 6-13-2005 by Ord. No. 4-2005; 7-9-2007 by Ord. No. 8-2007; 11-8-2010 by Ord. No. 5-2010. Subsequent amendments noted where applicable.]

Article I. Purposes and Statutory Review Criteria

§ 12-1. Purposes.

The purposes of this ordinance are:

- A. To provide for an expeditious and efficient process for the review of proposed subdivisions;
- B. To assure new development in the Town of Winslow meets the goals and conforms to the policies of the Comprehensive Plan;
- C. To assure the comfort, convenience, safety, health and welfare of the people of the Town of Winslow;
- D. To protect the environment and conserve the natural and cultural resources identified in the Winslow Comprehensive Plan as important to the community;
- E. To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;
- F. To minimize the potential impacts from new subdivisions on neighboring properties and on the municipality; and
- G. To promote the development of an economically sound and stable community.
- H. To provide for efficient use of the land and the preservation of open space, farmland, and rural character;
- I. To provide for development in harmony with the natural features of the land that is consistent with historic land use patterns of village-like areas where residences are grouped, surrounded by areas of open space used for agriculture, forestry, recreation and similar purposes.
- J. To protect high value natural areas;

§ 12-2. Statutory review criteria.

When reviewing any application for a subdivision, as defined by Article III, the Review Authority shall find that the following criteria as found in Title 30-A M.R.S.A. § 4404 have been met, as well as all applicable provisions of the Zoning Ordinance and other sections of this Ordinance have been met, before granting approval. The proposed project:

- A. Will not result in undue water or air pollution. In making this determination, it shall at least consider:
 - (1) The elevation of the land above sea level and its relation to the flood plains;

- (2) The nature of soils and subsoils and their ability to adequately support waste disposal;
 - (3) The slope of the land and its effect on effluents;
 - (4) The availability of streams for disposal of effluents;
 - (5) The applicable State and local health and water resources rules and regulations;
 - (6) Erosion and dust control during construction.
- B. Has sufficient water available for the reasonably foreseeable needs of the subdivision;
- C. Will not cause an unreasonable burden on an existing water supply, if one is to be used;
- D. Will not cause unreasonable soil erosion or reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;
- E. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway, located outside the urban compact area, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, § 704, and any rules adopted under that section;
- F. Will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;
- G. Will not cause an unreasonable burden on the municipality's ability to dispose of solid waste if municipal services are to be utilized;
- H. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;
- I. Is in conformance with a duly adopted subdivision ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;
- J. Demonstrates that the developer has adequate financial and technical capacity to meet the standards of this ordinance.
- K. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38, §§ 435 through 490, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.
- (1) When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.
 - (a) To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.
 - (b) The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, Chapter 3, Subchapter I, Article I-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of § 4401, Subsection 1, on September 23, 1983;

- L. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;
- M. Must determine whether the proposed project is in a flood-prone area based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. If the subdivision, or any part of it, is in such an area, the applicant shall determine the one-hundred-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision or project plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the one-hundred-year flood elevation;
- N. Will identify all freshwater wetlands within the proposed subdivision on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;
- O. Will identify any river, stream or brook within or abutting the proposed subdivision on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, § 480-B, Subsection 9;
- P. Will provide for adequate storm water management;
- Q. Will prevent spaghetti lots;
- R. If any lots in the proposed subdivision have shore frontage on a river, stream, brook or great pond as these features are defined in Title 38, § 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than five to one;
- S. Will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision;
- T. If crossing municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.

Article II. Authority and Administration

§ 12-3. Authority.

- A. These standards have been prepared in accordance with the provisions of Title 30-A M.R.S.A., § 4403.
- B. These standards shall be known and may be cited as "Subdivision Ordinance of the Town of Winslow, Maine."

§ 12-4. Administration.

- A. The Planning Board of the Town of Winslow shall administer this ordinance.
- B. The provisions of this ordinance shall pertain to all land and buildings proposed for subdivision within the boundaries of the Town of Winslow.

Article III. Definitions

§ 12-5. Definitions.

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

100-YEAR FLOOD

The highest level of flood that, on the average, has a one-percent chance of occurring in any given year.

ABUTTER

The owner of a property sharing a common boundary with or within 500 feet of a given piece of property, whether or not these properties are separated by a public or private way. For the purposes of this Ordinance, the owners of properties shall be considered to be the person(s) currently listed by the Tax Assessor of Winslow as those against whom taxes are assessed.

APPLICANT

The person applying for subdivision approval under this ordinance.

AVERAGE DAILY TRAFFIC (ADT)

The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

BOARD

Refers to the Winslow Planning Board.

BUILDABLE AREA

Land area of a parcel excluding Unbuildable Area.

BUILDING ENVELOPE

The area formed by front, side, and rear building restrictions or setback lines of a lot within which development including clearing, excavation, and grading and structures shall be contained.

CAPITAL IMPROVEMENTS PROGRAM (CIP)

The municipality's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

CEO

Refers to the Code Enforcement Officer.

COMPLETE APPLICATION

An application shall be considered complete upon submission of the required fee and all information required by this ordinance unless waived, after the applicant's written request, by a vote by the Planning Board. The Planning Board shall issue a written statement to the applicant upon its determination that an application is complete.

COMPLETE SUBSTANTIAL CONSTRUCTION

The completion of a portion of the improvements which represents no less than 30% of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

COMPREHENSIVE PLAN

A document or interrelated documents adopted by the Legislative Body, containing the elements established under Title 30-A M.R.S.A. § 4326, Subsections 1 to 4, including the strategies for an implementation program which are consistent with the State goals and guidelines established under Title 30-A M.R.S.A. §§ 4311 through 4350.

CONSERVATION EASEMENT

A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its

availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

DENSITY

The number of dwelling units per acre of land.

DIRECT WATERSHED OF A GREAT POND

That portion of the watershed which drains directly to the great pond without first passing through an upstream great pond. For the purposes of this ordinance the watershed boundaries shall be as delineated in the comprehensive plan, or as depicted in the drainage divide data layer provided by the Maine Office of GIS. Due to the scale of the map there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the Planning Board or its designee and the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the Planning Board and the applicant can not agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the Planning Board with information from a professional land surveyor showing where the drainage divide lies.

DRIVEWAY

A vehicular accessway serving two lots or less.

DWELLING UNIT

A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, and sleeping facilities; includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.

ENGINEERED SUBSURFACE WASTE WATER DISPOSAL SYSTEM

A subsurface waste water disposal system designed, installed, and operated as a single unit to treat and dispose of 2,000 gallons of waste water per day or more; or any system designed to be capable of treating waste water with higher BOD₅ and total suspended solids concentrations than domestic waste water.

FINAL PLAN

The final drawings on which the applicant's plan of subdivision is presented to the Planning Board for approval and which, if approved, may be recorded at the Registry of Deeds.

FRESHWATER WETLAND

Areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and are not part of a great pond, coastal wetland, river, stream or brook. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

GREAT POND

Any inland body of water which in a natural state has a surface area in excess of 10 acres, and any inland body of water artificially formed or increased which has surface area in excess of 30 acres, except for the purposes of this ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

GREENBELT

A series of connected open spaces that may be human-designed, such as trails, or follow natural features, such as streams.

HIGH INTENSITY SOIL SURVEY

A map prepared by a Certified Soil Scientist, identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to a limiting factor such as seasonal high water table or bedrock at that location. Single soil test pits and their

evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

LEVEL OF SERVICE

A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity Manual, most recent edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

MULTIFAMILY DEVELOPMENT

A subdivision which contains three or more dwelling units on land in common ownership, such as apartment buildings, condominiums or mobile home parks.

MUNICIPAL ENGINEER

Any registered professional engineer hired or retained by the municipality, either as staff or on a consulting basis.

OPEN SPACE DEVELOPMENT

See "subdivision, open space."

OPEN SPACE PERCENTAGE

The percentage of Buildable Area that's required to be part of designated open space.

OPEN SPACE, DESIGNATED

Reserved land that is permanently protected from further development and remains in a natural condition or is managed according to an approved management plan for natural resource functions, e.g. habitat protection, passive recreation, agriculture, forestry or some combination of these.

PERSON

Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

PLANNING BOARD

The Planning Board of the Town of Winslow.

PRELIMINARY PLAN

The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

PRIMARY CONSERVATION AREA

Those Unbuildable Areas that include steep slopes (20% or more), hydric soils, wetlands, and surface waters including intermittent streams.

PROFESSIONAL ENGINEER

A professional engineer, registered in the State of Maine.

PUBLIC WATER SYSTEM

A water supply system that provides water to at least 15 service connections or services water to at least 25 individuals daily for at least 30 days a year.

RECORDING PLAN

An original of the Final Plan, suitable for recording at the Registry of Deeds and which need show only information relevant to the transfer of an interest in the property, and which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.

SECONDARY CONSERVATION AREAS

Those areas with significant features that include open fields, high value natural areas, prime USDA agricultural soils, mature woodlands, stone walls, tree lines, existing historic structures, scenic views into and out of the property, trails and hilltops.

SKETCH PLAN

Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval.

STREET

Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.

STREET CLASSIFICATION

A. ARTERIAL STREET

A major thoroughfare which serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets: Augusta Road and Bay Street (Rt. 201 and Rt. 100), Benton Avenue, China Road (Rt. 137), Garland Road, Cushman Road (Rt. 32), Halifax Street (Rt. 100A), Clinton Avenue, Albion Road

B. COLLECTOR STREET

A street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

C. CUL-DE-SAC

A street with only one outlet and having the other end for the reversal of traffic movement.

D. INDUSTRIAL OR COMMERCIAL STREET

Streets servicing industrial or commercial uses.

E. MINOR RESIDENTIAL STREET

A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

F. PRIVATE RIGHT-OF-WAY

A minor residential street servicing no more than eight dwelling units, which is not intended to be dedicated as a public way.

SUBDIVISION

The term shall be defined as in Title 30-A M.R.S.A. § 4401, Subsection 4, as amended.

SUBDIVISION, FUTURE

A proposed or potential subdivision subsequent to an initial subdivision on the same parent parcel. Note: the number of future lots, a delineated area that will contain all future lots, and a delineated area for future designated open space must be established according to requirements of this Ordinance prior to and shall not be altered subsequent to an initial approved Minor or Major Subdivision.

SUBDIVISION, MAJOR

A subdivision with five or more lots. Note: major subdivisions may be Open Space Subdivisions.

SUBDIVISION, MINOR

A subdivision with up to four lots. Note: minor subdivisions are not required to be Open Space Subdivisions.

SUBDIVISION, OPEN SPACE

An alternative form of residential development where, instead of subdividing an entire tract into lots of conventional size, the same or a similar, number of housing units are arranged on lots of reduced dimensions, with the remaining area of the parcel permanently protected as Designated Open Space.

TRACT OR PARCEL OF LAND

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

UNBUILDABLE AREA

Land area that cannot be counted toward the minimum lot size under a conventional subdivision and includes steep slopes (20% or more), hydric soils, wetlands, surface water, rights of ways and easements, Resource Protection District, flood ways and portions used for storm water management facilities.

Article IV. Administrative Procedure

§ 12-5.1. Administrative procedure.

In order to establish an orderly, equitable and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivision review, the Planning Board shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be prepared no less than one week in advance of the meeting, distributed to Planning Board members and any applicants appearing on the agenda, and posted at the municipal offices. Applicants shall request to be placed on the Planning Board's agenda at least 10 days in advance of a regularly scheduled meeting by contacting the Code Enforcement Officer. Applicants who attend a meeting but who are not on the Planning Board's agenda may be heard only after all agenda items have been completed, and then only if a majority of the Planning Board so votes. However, the Planning Board shall take no action on any application not appearing on the Planning Board's written agenda.

Article V. Sketch Plan Meeting and Site Inspection

§ 12-6. Purpose.

The purpose of the sketch plan meeting and on-site inspection is for the applicant to present general information regarding the proposed subdivision to the Planning Board and receive the Planning Board's comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant.

§ 12-7. Sketch plan meeting procedure.

(Open Space Developments require two meetings, Preapplication sketch plan and Formal sketch plan.)

- A. The applicant shall present the Preapplication Sketch Plan and make a verbal presentation regarding the site and the proposed subdivision.
- B. Following the applicant's presentation, the Planning Board may ask questions, point out potential problems or issues for future discussions, and make suggestions to be incorporated by the applicant into the subsequent application. Substantive, lengthy discussions about compliance with review standards or the consideration of waiver requests shall be postponed until the subsequent review of the full application.
- C. The date of the on-site inspection may be discussed.

§ 12-8. Sketch plan submissions and preapplication sketch plan for open space developments.

Nine copies of the sketch plan and all supporting materials must be submitted 15 days prior to a regularly scheduled Planning Board meeting, in order to be placed on the Planning Board's agenda. The sketch plan shall show, in simple sketch form, the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The sketch plan, which does not have to be engineered and may be a freehand penciled

sketch, shall show site conditions such as steep slopes, wet areas and vegetative cover in a general manner. The sketch plan shall be supplemented with a written project narrative, with general information to describe or outline the existing conditions of the site and a full description of the proposed development. The narrative should include general proposals for how any common areas and infrastructure will be managed and maintained. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located. The sketch plan shall be accompanied by:

- A. A sketch plan application form and a sketch plan application fee of \$25;
- B. A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision; unless the proposed subdivision is less than 10 acres in size.
- C. A copy of that portion of the Kennebec County Soil Survey covering the proposed subdivision, showing the outline of the proposed subdivision development, and
- D. A written project narrative as described above.

§ 12-8.1. Formal sketch plan for open space development.

- A. Additional submission items required for Open Space Development
 - (1) An Existing Features (Site Inventory) Map drawn at a scale of one inch equals 100 feet (unless another scale is mutually agreed upon). The inventory and map(s) shall include, at a minimum, the following:
 - (a) The location and delineation of Primary Conservation Areas. (Note a high intensity soils map based on test pits may be advantageous in determining less area with hydric soils.) The total acreage of Primary Conservation areas shall be included.
 - (b) The location and delineation of existing buildings and unbuildable areas that are not Primary Conservation Areas including rights-of-ways and easements, portions in Resource Protection district, and portions utilized for storm water management facilities.
 - (c) The location and delineation of any Essential Habitat Areas onsite or within 250 feet of the subdivision and any other important habitat areas onsite indicated on State "Beginning with Habitat" maps.
 - (d) Identification of scenic views into and out from the property with accompanying photos and location and delineation of other Secondary Conservation Areas. The total acreage of Secondary Conservation Areas when applicable shall be included.
 - (e) The identification and location of vegetative cover on the property.
 - (2) Calculations. Applicants shall provide:
 - (a) Minimum lot size. Applicable minimum lot size in the zone project is located in.
 - (b) Unbuildable land. Total acreage of Unbuildable Land. Include and total applicable elements from list in § 12-36B.
 - (c) Number of allowable lots. Number of allowable lots according to formula in § 12-36C(3).
 - (d) Open space set aside. Provide total acreage of designated open space that shall be set aside using formula in § 12-36C(4).
 - (3) Conceptual plan of proposed development.
 - (a) Applicants shall submit a conceptual plan for the development of the subject parcel that reflects the characteristics of the site as detailed in the site inventory and map(s) and its location within

the community as indicated in the site context map. The conceptual plan shall be prepared at the same scale as the site inventory map and be provided as both a translucent sheet, which can be overlaid onto the site inventory map(s), and solid plan. A conceptual plan shall be a draft plan, which does not include engineering details, but is drawn to scale and indicates the following:

- [1] Proposed location of any new road(s) or common driveway(s).
 - [2] Proposed residential lots, building envelopes, and potential house sites for each lot.
 - [3] Existing and proposed features and amenities, including common areas, trails, or community buildings, etc.
 - [4] Proposed boundaries of the designated open space.
 - [5] A narrative description of the proposed approach for providing for drinking water supply, waste water treatment, stormwater management, and landscaping.
- (b) Applicants shall demonstrate that their conceptual plan is consistent with the following approach for designing a subdivision:
- (c) _____
- [1] Step one: identify conservation areas. All Primary and Secondary Conservation Areas and unbuildable areas shall be identified and when applicable shall be delineated.
 - [2] Step two: locate house sites. To the maximum extent feasible, house sites shall be located outside of those areas delineated in Step One. The location of the house sites shall also reflect the design objectives identified in § 12-36G.
 - [3] Step three: align streets, common driveways and trails. The minimum length and network of road(s) necessary to access each house lot shall be identified. Common driveways shall also be identified. Roads and common driveways shall be located in such a way that avoids or at least minimizes adverse impacts on both Primary and Secondary Conservation Areas e.g. when possible these access ways shall not be located in open fields unless along part of field perimeter or along a tree line. Proposed trails shall be identified where access to the designated open space is appropriate and/or to provide for pedestrian circulation within the development as well as pedestrian access to areas outside the development.
 - [4] Step four: identify lot lines and building envelopes. Lot lines and building envelopes for each house site, or group of homes on a common lot, shall be identified. The placement of lot lines and building envelopes shall give consideration to those areas identified in Step One as well as conform to the natural features of the landscape to the greatest extent possible, e.g., follow stone walls, lines of boundary trees, streams. The delineation of lots shall also consider the privacy provided for individual homeowners.
- (4) Conceptual long range development plan. When a subdivision will not utilize the entire parcel and there is potential for future subdivision or development of the parcel or any of the lots being created, the application shall include a conceptual long-range development plan showing the potential utilization of the lots and the balance of the parcel not being subdivided. The conceptual long range development plan is a sketch plan with no engineering details, intended to be conceptual in nature, to rely on published data about natural resources relevant to the parcel, and to demonstrate that the current subdivision proposal will not compromise important conservation values or the long term development of the parcel as a conservation design subdivision. This plan shall show the relationship of the proposed subdivision area to the balance of the parcel and to adjacent land. This plan shall analyze the conservation and development potential of the remaining area of the parcel and shall identify and delineate future designated open space area(s), and development area(s) in a manner that demonstrates that both the proposed development and the future development can occur so that it conforms to the requirements for conservation design subdivisions and preserves the significant

natural resource and conservation values of the entire parcel. The number of future lots allowed and number of future lots proposed must be shown on the plan. After an initial subdivision has been approved the number of lots for the entire parcel and the boundaries of future area(s) to be developed and future area(s) to be protected as designated open space cannot be changed. The size of future lots can be altered.

§ 12-9. On-site inspection.

Within 30 days of the sketch plan meeting, or other mutually agreed upon time, the Planning Board shall hold an on-site inspection of the property and inform the applicant in writing of the required contour interval on the Preliminary Plan. The applicant shall place "flagging" at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. If the proposed project includes buildings, the approximate corners of building footprints shall be "flagged." The Planning Board may choose not to conduct on-site inspections when there is inclement weather or snow on the ground. On-site inspections shall be noticed as required by 1 M.R.S.A. §§ 401 — 410, and the public shall be allowed to accompany the Planning Board. Minutes shall be taken in the same manner as for regular meetings.

§ 12-10. Initiation of the review process.

The sketch plan meeting, the submittal or review of the sketch plan or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1 M.R.S.A., § 302.

§ 12-11. Establishing a file.

Following the sketch plan meeting the Code Enforcement Officer (CEO) shall establish a file for the proposed subdivision. All correspondence and submissions regarding the sketch plan meeting and application shall be maintained in the file.

Article VI. Preliminary Plan Application

§ 12-12. Procedure.

- A. Within six months after the on-site inspection by the Planning Board, the applicant shall submit an application for approval of a preliminary plan at least 15 days prior to a scheduled meeting of the Planning Board. Applications shall be submitted by mail or by hand to the municipal offices. Failure to submit an application within six months may require resubmission of the Sketch Plan to the Planning Board. The preliminary plan should approximate the layout shown on the Sketch Plan, plus any recommendations made by the Planning Board.
- B. All applications for preliminary plan shall be accompanied by a nonrefundable application fee of \$300, plus \$10 per lot or dwelling unit, payable by check to the municipality. In addition, the Planning Board may require the applicant to pay an escrow fee of \$250 per lot or dwelling unit, to be deposited in a special escrow account designated for that subdivision application, to be used by the Planning Board for hiring independent consulting services to review engineering and other technical submissions associated with the application, and to ensure compliance with the Subdivision Ordinance. If the balance in this special account is drawn down by 75%, the Planning Board shall notify the applicant, and require that the balance be brought back up to the original deposit amount. The Planning Board shall continue to notify the applicant and require a deposit as necessary whenever the balance of the escrow account is drawn down by 75% of the original deposit. Any balance in the escrow account remaining after a decision on the final plan application by the Planning Board shall be returned to the applicant.

- C. The Board shall not review any preliminary plan application unless the applicant or applicant's representative attends the meeting. Should the applicant or applicant's representative fail to attend; the Board shall reschedule review of the application at its next available meeting.
- D. Within seven days of the receipt of the Preliminary Plan application, the Code Enforcement Officer shall:
 - (1) Issue a dated receipt to the applicant.
 - (2) Notify in writing by First Class Mail all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.
 - (3) Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.
- E. Within 30 days of the receipt of the preliminary plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Planning Board shall notify the applicant of the specific additional material needed to complete the application.
- F. Upon determination that a complete application has been submitted for review, the Code Enforcement Officer shall notify the applicant in writing. The Code Enforcement Officer shall also notify the Road Commissioner, Fire Chief, Police Chief, Superintendent of Schools, Town Council, Land Protection Committee, and any other relevant official of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multifamily, commercial or industrial buildings. The Code Enforcement Officer shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision. The Planning Board shall hold a public hearing on the preliminary plan application.
- G. The Planning Board shall hold the public hearing within 30 days of determining that it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. In addition, the notice of the hearing shall be posted in at least three prominent places within the municipality at least seven days prior to the hearing. A copy of the notice shall be sent by First Class mail to abutting landowners (all landowners within 500 feet of subject property) and to the applicant, at least 10 days prior to the hearing.
- H. Within 60 days from the public hearing, the Planning Board shall make findings of fact on the application, and approve, approve with conditions, or deny the preliminary plan application. The Planning Board shall specify in writing its findings of facts and reasons for any conditions or denial.
- I. When granting approval to a preliminary plan, the Planning Board shall state in writing the conditions of such approval, if any, with respect to:
 - (1) The specific changes which it will require in the final plan;
 - (2) The character and extent of the required improvements for which waivers may have been requested and which the Planning Board finds may be waived without jeopardy to the public health, safety, and general welfare; and
 - (3) The construction items for which cost estimates and performance guarantees will be required as prerequisite to the approval of the final plan.
- J. Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the Planning Board upon fulfillment of the requirements of this ordinance and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Planning Board may require that additional information be

submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received.

§ 12-13. Mandatory submissions for preliminary plan.

- A. The following items shall be submitted as part of the Preliminary Plan Application, unless the applicant submits a written waiver request, and is granted a waiver from the submission requirement by the Planning Board, pursuant to Article XII, Waivers. Nine copies of all materials shall be delivered to the Town Office, at least 15 days prior to a regularly scheduled Planning Board meeting, in order for the application to be placed on the Planning Board's agenda. The Planning Board may require additional information to be submitted, as necessary, in order to determine whether the criteria of Title 30-A M.R.S.A., § 4404 are met. All required engineering plans shall be submitted to the Winslow Code Enforcement Officer in CAD Format 15 or higher, registered and rectified to UTM Zone 19 NAD 83 Meters or Shape Format UTM Zone 19 NAD 83 Meters, and all other documents shall be submitted in both paper and commonly used electronic file formats such as pdf, word processing, database or spreadsheet files.
- (1) Application form. Nine copies of the application form and any accompanying information.
 - (2) Location map. The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Planning Board to locate the subdivision within the municipality. The location map shall show:
 - (a) Existing subdivisions in the proximity of the proposed subdivision.
 - (b) Locations and names of existing and proposed streets.
 - (c) Boundaries and designations of zoning districts.
 - (d) An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted covers only a portion of the owner's entire contiguous holding.
 - (3) Preliminary plan. The preliminary plan may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than 100 feet to the inch. Plans for subdivisions containing more than 100 acres may be drawn at a scale of not more than 200 feet to the inch, provided all necessary detail can easily be read. The application materials for preliminary plan approval shall include the following information:
 - (a) Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.
 - (b) Verification of right, title or interest in the property by deed, purchase and sales agreement, option to purchase, or some other proof of interest.
 - (c) A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The entire parcel or tract shall be shown, including all contiguous land in common ownership within the last five years, as required by Title 30-A M.R.S.A. § 4401.
 - (d) A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
 - (e) A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
 - (f) An indication of the type of sewage disposal to be used in the subdivision.

- [1] When sewage disposal is to be accomplished by connection to the public sewer, a letter from the Winslow Public Works Director stating that the Town system has the capacity to collect and treat the waste water shall be provided.
 - [2] When sewage disposal is to be accomplished by subsurface waste water disposal systems, test pit analyses, prepared by a Licensed Site Evaluator or Certified Soil Scientist shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
- (g) An indication of the type of water supply system(s) to be used in the subdivision.
- [1] When water is to be supplied by a local well, a written statement from a local well driller shall be submitted indicating there is sufficient water available for the reasonably foreseeable needs of the subdivision.
 - [2] When water is to be supplied by public water supply, a written statement from the Kennebec Water District shall be submitted indicating there is adequate supply and pressure for the subdivision, and that the new connections will not create an unreasonable burden upon the water district.
- (h) The date the plan was prepared, north point, and graphic map scale.
- (i) The names and addresses of the record owner, applicant, and individual or company who prepared the plan and adjoining property owners.
- (j) Wetland areas shall be delineated on the survey, regardless of size.
- (k) The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type and other essential existing physical features.
- (l) The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.
- (m) The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
- (n) The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
- (o) The location, names, and present widths of existing streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.
- (p) The width and location of any streets, public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.
- (q) The proposed lot lines with approximate dimensions and lot areas.
- (r) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- (s) The location of any open space to be preserved or common areas to be created, and a general description of proposed ownership, improvement and management.
- (t) The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation.
- (u) If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the one-hundred-year flood elevation, as depicted on the municipality's Flood Insurance Rate

Map, shall be delineated on the plan.

- (v) Areas within or adjacent to the proposed subdivision which have been identified by the Maine Department of Inland Fisheries and Wildlife Beginning with Habitat Project or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program or Maine Department of Inland Fisheries & Wildlife Beginning With Habitat Project the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
 - (w) All areas within or adjacent to the proposed subdivision which are either listed on or eligible to be listed on the National Register of Historic Places, or have been identified in the comprehensive plan or by the Maine Historic Preservation Commission as sensitive or likely to contain such sites.
- (4) Additional submission items required for Open Space Development.
- (5) Required submissions for which a waiver may be granted. The following items should be submitted as part of the Preliminary Plan Application, unless the applicant submits a written waiver request, and is granted a waiver from the submission requirement by the Planning Board, pursuant to Article XII, Waivers. Nine copies of all materials shall be delivered to the Winslow Town Office, at least 15 days prior to a regularly scheduled Planning Board meeting, in order for the application to be placed on the Planning Board's agenda. The Planning Board may require additional information to be submitted, as necessary, in order to determine whether the criteria of Title 30-A M.R.S.A., § 4404 are met.
- (a) A high intensity soil survey by a registered soil scientist.
 - (b) Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean sea level.
 - (c) Hydro geologic assessment.
 - [1] Note: A hydro geologic assessment should be prepared by a certified geologist or registered professional engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and:
 - [a] Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydro geologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, 1998, File No. 98-138, 144 and 147; or
 - [b] The subdivision has an average density of more than one dwelling unit per 100,000 square feet.
 - [2] The Board may require a hydro geologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on groundwater quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet; and the development proposes use of a shared or common subsurface wastewater disposal systems. The hydro geologic assessment shall be conducted in accordance with the provisions of § 12-31 of this ordinance.
 - (d) An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from the most recent available edition of the Trip Generation Manual, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.
 - (e) Traffic impact analysis.

- [1] Note: A Registered Professional Engineer with experience in traffic engineering must conduct the traffic impact analysis. A traffic impact analysis may be required upon the recommendation of those officials notified during initial preliminary plan application (see § 12-12F).
- [2] The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets. The purpose of the Traffic Impact Analysis is to assist Planning Board members in determining whether the proposed subdivision shall require improvements to the street(s) providing access to the subdivision.

- B. The Planning Board may require any additional information not listed above, when it is determined necessary by the Planning Board to determine whether the statutory review criteria of Title 30-A M.R.S.A. § 4404 have been met.

Article VII. Final Plan Application

§ 12-14. Procedure.

- A. Within six months after the approval of the preliminary plan, the applicant shall submit nine copies of an application for approval of the final plan with all supporting materials, at least 15 days prior to a scheduled meeting of the Planning Board. Applications shall be submitted by mail to the Planning Board in care of the municipal offices or delivered by hand to the municipal offices. If the application for the final plan is not submitted within six months after preliminary plan approval, the Planning Board shall require resubmission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Planning Board.
If an applicant cannot submit the final plan within six months, due to delays caused by other regulatory bodies, or other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, with the Planning Board prior to the expiration of the filing period. In considering the request for an extension the Planning Board shall make findings that the applicant has made due progress in preparation of the final plan and in pursuing approval of the plans before other agencies, and that municipal ordinances or regulations which may impact on the proposed development have not been amended.
- B. A non-refundable application fee of \$300, payable by check to the municipality, shall accompany all applications for final plan approval for subdivision. The Planning Board may continue to require the replenishment of the escrow account for hiring independent consulting services to review the application for final plan approval, along with any supporting materials, pursuant to the procedures of Article VI, § 12-12B.
- C. Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where applicable:
 - (1) Maine Department of Environmental Protection, under the Site Location of Development Act.
 - (2) Maine Department of Environmental Protection, under the Natural Resources Protection Act or Stormwater Law, or if an MEPDES wastewater discharge license is needed.
 - (3) Maine Department of Human Services, if the applicant proposes to provide a public water system.
 - (4) Maine Department of Human Services, if an engineered subsurface waste water disposal system(s) is to be utilized.
 - (5) U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.

- (6) Maine Department of Transportation Traffic Movement Permit, and/or Highway Entrance/Driveway Permit.

Note: If the Planning Board is unsure whether a permit or license from a state or federal agency is necessary, the applicant may be required to obtain a written opinion from the appropriate agency as to the applicability of their regulations.

- D. If the preliminary plan identified any areas listed on or eligible to be listed on the National Register of Historic Places, in accordance with § 12-13C(23), the applicant shall submit a copy of the plan and a copy of any proposed mitigation measures to the Maine Historic Preservation commission prior to submitting the final plan application.
- E. Written approval of any proposed street names from the Town of Winslow E911 Addressing Officer.
- F. The Planning Board shall not review any final plan application unless the applicant or applicant's representative attends the meeting. Should the applicant or applicant's representative fail to attend, the Planning Board shall reschedule review of the application at its next regular meeting.
- G. Within three days of the receipt of the Final Plan application, the Planning Board, or its designee, shall issue a dated receipt to the applicant.
- H. Within 30 days of the receipt of the final plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Planning Board shall notify the applicant of the specific additional material needed to complete the application.
- I. Upon determination that a complete application has been submitted for review, the Planning Board shall notify the applicant in writing. The Planning Board shall determine whether to hold a public hearing on the final plan application.
- J. If the Planning Board decides to hold a public hearing, it shall hold the hearing within 30 days of determining it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days prior to the hearing. In addition, the notice of the hearing shall be posted in at least three prominent places within the municipality at least seven days prior to the hearing. A copy of the notice shall be sent by at least First Class mail to abutting landowners and to the applicant, at least 10 days prior to the hearing.
- K. Before the Planning Board grants approval of the final plan, the applicant shall meet the performance guarantee requirements contained in Article XI.
- L. Within 30 days from the public hearing or within 60 days of receiving a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Title 30-A M.R.S.A., § 4404 and the standards of this ordinance. If the Planning Board finds that all the criteria of the statute and the standards of this ordinance have been met, they shall approve the final plan. If the Planning Board finds that any of the criteria of the statute or the standards of this ordinance have not been met, the Planning Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Planning Board.

§ 12-15. Mandatory submissions.

- A. The final plan shall consist of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch. Plans for subdivisions containing more than 100 acres may be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 inches by 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for

binding and a one inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Planning Board. One reproducible, stablebased transparency of the recording plan to be recorded at the Registry of Deeds, and nine full-sized paper copies of all the final plan sheets and any supporting documents shall be submitted.

- B. All required engineering plans shall be submitted to the Winslow Code Enforcement Officer in CAD Format 15 or higher, registered and rectified to UTM Zone 19 NAD 83 Meters or Shape Format UTM Zone 19 NAD 83 Meters, and all other documents shall be submitted in both paper and commonly used electronic file formats such as .pdf, word processing, database or spreadsheet files.
- C. The final plan shall include or be accompanied by the following mandatory submissions of information:
- (1) Completed Final Plan Application Form and Final Plan Application Submissions Checklist.
 - (2) Proposed name of the subdivision and the name of the municipality in which it is located, plus the assessor's map and lot numbers.
 - (3) The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.
 - (4) An indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the sewer district indicating the district has reviewed and approved the sewerage design shall be submitted.
 - (5) An indication of the type of water supply system(s) to be used in the subdivision.
 - (a) When water is to be supplied by an existing public water supply, a written statement from the servicing water district shall be submitted indicating the district has reviewed and approved the water system design.
 - (b) A written statement shall be submitted from the fire chief approving all hydrant locations or other fire protection measures deemed necessary.
 - (c) When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.
 - (6) The date the plan was prepared, north point, graphic map scale.
 - (7) The names and addresses of the record owner, applicant, and individual or company who prepared the plan.
 - (8) The location of any zoning boundaries affecting the subdivision.
 - (9) If different than those submitted with the preliminary plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
 - (10) The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
 - (11) The location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a professional land surveyor. The original reproducible plan shall be embossed with the seal of the professional land surveyor and be signed by that individual.
 - (12) Street plans, meeting the requirements of Chapter 11 (Streets) of the Municipal Code.

- (13) The width and location of any proposed new streets or public improvements or open space within the subject property that are shown upon the official map or the comprehensive plan, if any.
- (14) All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public ways and open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be managed and maintained shall be submitted. These may include homeowners' association by laws and condominium declarations. If proposed streets and/or open spaces or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer to convey title shall be included.
- (15) The boundaries of any flood hazard areas and the one-hundred-year flood elevation as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.
- (16) The location and method of disposal for land clearing and construction debris.
- (17) For Open Space Development, the additional submission items listed in § 12-8.1A.

§ 12-16. Required submissions for which a waiver may be granted.

The final plan shall also include or be accompanied by the following information, unless a waiver is requested and granted pursuant to Article XII, Waivers:

- A. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices, published by the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District, 1991. The Planning Board may waive submission of the erosion and sedimentation control plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision will not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.
- B. A stormwater management plan, prepared by a registered professional engineer in accordance with the most recent edition of Stormwater Management for Maine: BMPs Technical Design Manual, published by the Maine Department of Environmental Protection, 2006. Another methodology may be used if the applicant can demonstrate it is equally applicable to the site. The Planning Board may waive submission of the stormwater management plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision will not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.
- C. If any portion of the proposed subdivision is in the direct watershed of a great pond, and meets the criteria of § 12-34C, the following shall be submitted or indicated on the plan:
 - (1) A phosphorus impact analysis and control plan conducted using the procedures set forth in DEP Phosphorus Design Manual, Volume II of the Maine Stormwater Best Management Practices Manual, 2006. The analysis and control plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the Technical Guide.
 - (2) A long-term maintenance plan for all phosphorus control measures.
 - (3) The contour lines shown on the plan shall be at an interval of no less than five feet.
 - (4) Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.

§ 12-17. Final approval and filing.

- A. No plan shall be approved by the Planning Board as long as the applicant(s) is/are in violation of the provisions of a previously approved Plan within the municipality.
- B. Upon findings of fact and determination that all standards in Title 30-A M.R.S.A., § 4404, and this ordinance have been met, and upon voting to approve the subdivision, the Planning Board shall sign the final plan. The Planning Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Planning Board as part of its permanent records. One copy of the signed plan shall be forwarded to the tax assessor. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. Any subdivision not recorded in the Kennebec County Registry of Deeds within 90 days of the date upon which the plan is approved and signed by the Planning Board shall become null and void.
- C. At the time the Planning Board grants final plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Planning Board deems necessary in order to ensure the orderly development of the Plan. If any municipal or quasi-municipal department head notified of the proposed subdivision informs the Planning Board that their department or district does not have adequate capital facilities to service the subdivision, the Planning Board shall require the plan to be divided into two or more sections subject to any conditions the Planning Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision. If the expansion, addition or purchase of the needed facilities is included in the municipality's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition or purchase.
- D. No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless a revised final plan is first submitted and the Planning Board approves any modifications, in accordance with Article VIII. The Planning Board shall make findings that the revised plan meets the criteria of Title 30-A M.R.S.A., § 4404, and the standards of this ordinance. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Planning Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.
- E. The approval by the Planning Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the plan shall not constitute an acceptance by the municipality of such areas. The Planning Board shall require the plan to contain appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the municipal officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
- F. Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Planning Board shall have a notice placed in the Registry of Deeds to that effect.

Article VIII. Revisions to Approved Plans

§ 12-18. Procedure.

A request to be placed on the Planning Board's agenda for a revision to a previously approved plan should be submitted at least 15 days prior to a scheduled meeting of the Planning Board. If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary plan approval should be followed. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval should be followed.

§ 12-19. Submissions.

The applicant shall submit a copy of the approved plan as well as nine copies of the proposed revisions. The application shall also include enough supporting information to allow the Planning Board to make a determination that the proposed revisions meet the standards of this ordinance and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.

§ 12-20. Scope of review.

The Planning Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

Article IX. Inspections and Enforcement

§ 12-21. Inspection of required improvements.

- A. At least five days prior to commencing construction of required improvements, the subdivider or builder shall:
 - (1) Notify the Code Enforcement Officer in writing of the time when (s)he proposes to commence construction of such improvements, so that the municipal officers can arrange for inspections to assure that all municipal specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.
 - (2) Deposit with the municipal officers a check for the amount of 2% of the estimated costs of the required improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus shall be refunded to the subdivider or builder as appropriate. If the inspection account shall be drawn down by 90%, the subdivider or builder shall deposit an additional 1% of the estimated costs of the required improvements.
- B. If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, the inspecting official shall so report in writing to the municipal officers, Planning Board, and the subdivider and builder. The municipal officers shall take any steps necessary to assure compliance with the approved plans.
- C. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Planning Board. Revised plans shall be filed with the Planning Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission from the Planning Board to modify the plans in accordance with Article VIII.
- D. At the close of each summer construction season the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By October 1 of each year during which construction was done on the site, the inspector shall submit a report to the Planning Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The report shall also include a discussion and recommendations on any problems which were encountered.
- E. Prior to the sale of any lot, the subdivider shall provide the Planning Board with a letter from a professional land surveyor, stating that all monumentation shown on the plan has been installed.

- F. Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed public way to a Town Council, a written certification signed by a professional engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of the Town of Winslow. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted to the municipal officers.
- G. The subdivider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality or control is placed with a lot owners' association.

§ 12-22. Violations and enforcement.

- A. No plan of a division of land within the municipality which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Planning Board in accordance with this ordinance.
- B. A person shall not convey, offer or agree to convey any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds.
- C. A person shall not sell, lease or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.
- D. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Planning Board.
- E. Development of a subdivision without Planning Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a plan approved as provided in this ordinance and recorded in the Registry of Deeds.
- F. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with this ordinance up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with this ordinance.
- G. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A M.R.S.A., § 4452.

Article X. Performance and Design Standards

§ 12-22.1. Intent.

The performance and design standards in this article are intended to clarify and expand upon the statutory review criteria found in Article I, § 12-2. In reviewing a proposed subdivision, the Planning Board shall review the application for conformance with the following performance and design standards and make findings that each has been met prior to the approval of a final plan. In all instances, the burden of proof shall be upon the applicant to present adequate information to indicate all performance and design standards and statutory criteria for approval have been or will be met.

§ 12-23. Basic subdivision layout.

- A. Blocks. Where street lengths exceed 1,000 feet between intersections with other streets, the Planning Board may require a utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width constructed in accordance with the

design standards for sidewalks found in Chapter 11 (Streets) of the Municipal Code of Winslow. Maintenance obligations of the easement shall be included in the written description of the easement.

B. Lots.

- (1) All lots must meet the requirements of Chapter 14 (Zoning) of the Municipal Code of Winslow.
- (2) Wherever possible, side lot lines shall be perpendicular to the street.
- (3) The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future division. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Planning Board, subject to the criteria of the subdivision statute, the standards of this ordinance and conditions placed on the original approval.
- (4) If a lot on one side of a stream (as defined in the DEP Minimum Shoreland Zoning Guidelines), tidal water, or road fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, tidal water, or road to meet the minimum lot size.
- (5) The ratio of lot length to width, outside of the shoreland zone, shall not be more than three to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, § 480-B, none of these lots shall have a lot depth to shore frontage ratio greater than five to one.
- (6) In areas served by a postal carrier, lots shall be numbered in such a manner as to facilitate mail delivery. Even numbers shall be assigned to lots on one side of the street, and odd numbers on the opposite side. Where the proposed subdivision contains the extension of an existing street or street approved by the Board, but not yet constructed, the lot numbers shall correspond with the existing lot numbers. The lot numbering shall be reviewed by the E-911 Addressing Officer and the comments shall be considered by the Planning Board.

C. Monuments.

- (1) Stone or precast concrete monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.
- (2) Stone or precast concrete monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135° or less.
- (3) Stone or concrete monuments shall be a minimum of four inches square at the top and three feet in length, and set in the ground at final grade level. After they are set, drill holes 1/2 inch deep shall locate the point or points described above.
- (4) All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation, as required by the Maine Board of Registration of Land Surveyors.

§ 12-24. Sufficient water.

A. Water supply.

- (1) Any subdivision within the area designated in the comprehensive plan for future public water supply service should, where practical, make provisions for connection to the public system. The Planning Board shall individually review each subdivision in this category, to determine whether it is practical to connect to the public water system. A proposed subdivision shall not generate a demand on the source, treatment facilities or distribution system of the Kennebec Water District beyond the capacity of those

system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying the costs of system improvements to the Water District's system as necessary in order to facilitate connection.

- (2) When a subdivision is to be served by a public water system, the complete supply system within the subdivision including fire hydrants shall be installed at the expense of the applicant. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the Kennebec Water District, Winslow Fire Chief and Winslow Town Council. Fire hydrants connected to a public water supply system shall be located no further than 500 feet from any building.
- (3) When a proposed subdivision is not within the area designated for public water supply service in the comprehensive plan, water supply shall be from individual wells or a private community water system.
 - (a) Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface waste water disposal systems and other sources of potential contamination.
 - [1] Due to the increased chance of contamination from surface water, dug wells shall be prohibited on lots of smaller than one acre. On lots of one acre or smaller, the applicant shall prohibit dug wells by deed restrictions and a note on the plan. This restriction does not include drilled wells.
 - [2] Neither dug nor drilled wells shall be constructed within 100 feet of the traveled way of any arterial street, or within 50 feet of the traveled way of any other street. This restriction shall be included as a note on the plan and deed restriction to the effected lots.
 - (b) Lot design shall permit placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
 - (c) If a central water supply system is provided by the applicant, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).
- B. Water quality. Water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water. If existing water quality contains contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact shall be disclosed in a note on the plan to be recorded in the Registry of Deeds.

§ 12-25. Erosion and sedimentation and impact on water bodies.

- A. The proposed subdivision shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.
- B. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
- C. Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.
- D. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

§ 12-26. Sewage disposal.

- A. Public system.

- (1) Any subdivision within the area designated in the comprehensive plan for future public sewage disposal service should, where practical, make provisions for connection to the public system. The Planning Board shall individually review each subdivision in this category, to determine whether it is practical to connect to the public sewage system. A proposed subdivision shall not generate a demand on the treatment facilities or distribution system of Winslow's sewage system beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying the costs of system improvements to the system as necessary in order to facilitate connection.
- (2) When a subdivision is proposed to be served by the public sewage system, the complete collection system within the subdivision, including manholes and pump stations, shall be installed at the expense of the applicant.
- (3) The Winslow Public Works Director shall certify that providing service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision.
- (4) The Winslow Public Works Director shall review and approve the construction drawings for the sewerage system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the Winslow Public Works Director.

B. Private systems.

- (1) Sewage disposal shall be private subsurface waste water disposal systems or a private treatment facility with surface discharge, licensed by the Department of Environmental Protection.
- (2) The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
 - (a) The site evaluator shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough to a disposal area on soils which meet the Disposal Rules.
 - (b) On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted in the deed so as not to be built upon.
 - (c) In no instance shall a disposal area be on a site which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

§ 12-27. Solid waste.

If the additional solid waste from the proposed subdivision exceeds the capacity of the municipal solid waste facility, causes the municipal facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the municipality to exceed its contract with a non-municipal facility, the applicant shall make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be at a disposal facility which is in compliance with its license. The Planning Board may not require the alternate arrangement to exceed a period of five years.

§ 12-28. Impact on natural and historic resources.

A. Preservation of natural beauty and aesthetics.

- (1) The plan shall, by notes on the final plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.

- (2) The Planning Board may require the application to include a landscape plan that will show the replacement of trees and vegetation, and graded contours.
 - (3) When a proposed subdivision contains a ridge line identified in the comprehensive plan as a visual resource to be protected, the plan shall restrict tree removal and prohibit building placement within 50 feet vertical distance of the ridge top. These restrictions shall appear as notes on the plan and as covenants in the deed.
- B. Retention of open spaces and natural or historic features.
- (1) If any portion of the subdivision is located within an area designated by the comprehensive plan as open space or greenbelt, that portion shall be reserved for open space preservation.
 - (2) If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
 - (3) If any portion of the subdivision is designated a site of historic or prehistoric importance by the comprehensive plan, National Register of Historic Places, or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan. The Planning Board shall seek the advice of the Maine Historic Preservation Commission in reviewing such plans.
- C. Protection of important shoreland areas. Refer to the Shoreland Zoning Ordinance. Whenever there is a conflict between the requirements of this section and the Shoreland Zoning Ordinance, the more strict version shall apply.
- (1) Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the open space with provisions made for continued public access.
- D. Reservation or dedication and maintenance of open space and common land, facilities and services.
- (1) All open space common land, facilities and property shall be owned by one or more of the following:
 - (a) The owners of the lots or dwelling units by means of a lot owners' association;
 - (b) An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or
 - (c) The municipality.
 - (2) Further subdivision of the common land or open space and its use for other than non-commercial recreation, agriculture, or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When open space is to be owned by an entity other than the municipality, there shall be a conservation easement deeded to the municipality prohibiting future development.
 - (3) The common land or open space shall be shown on the final plan with appropriate notations on the plan to indicate:
 - (a) It shall not be used for future building lots; and
 - (b) Which portions of the open space, if any, may be dedicated for acceptance by the municipality.
 - (4) The final plan application shall include the following:
 - (a) Covenants for mandatory membership in the lot owners' association setting forth the owners' rights, interests, and privileges in the association and the common property and facilities, to be

included in the deed for each lot or dwelling.

- (b) Draft articles of incorporation of the proposed lot owners' association as a not-for-profit corporation; and
- (c) Draft by-laws of the proposed lot owners' association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.

These documents shall provide for the following:

- (a) The homeowners' association shall have the responsibility of maintaining the common property or facilities.
- (b) The association shall levy annual charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair and replacement of common property and facilities and tax assessments.
- (c) The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.
- (d) The developer or subdivider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place. Such determination shall be made by the Planning Board upon request of the lot owners' association or the developer.

§ 12-29. Conformance with Zoning and other land use ordinances.

All lots shall meet the minimum dimensional requirements of Chapter **14** (Zoning) of the Municipal Code of Winslow. The proposed subdivision shall meet all applicable performance standards or design criteria from the zoning ordinance and other land use ordinances.

§ 12-30. Financial and technical capacity.

- A. Financial capacity. The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of this ordinance. When the applicant proposes to construct the buildings as well as the subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations the Planning Board shall consider the proposed time frame for construction and the effects of inflation.
- B. Technical ability.
 - (1) The applicant shall retain qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed subdivision.
 - (2) In determining the applicant's technical ability the Planning Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

§ 12-31. Impact on ground water quality or quantity.

- A. Ground water quality.
 - (1) When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:
 - (a) A map showing the basic soils types.

- (b) The depth to the water table at representative points throughout the subdivision.
 - (c) Drainage conditions throughout the subdivision.
 - (d) Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
 - (e) An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.
 - (f) A map showing the location of any subsurface waste water disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.
- (2) Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
 - (3) No subdivision shall increase any contaminant concentration in the ground water to more than 1 1/2 of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.
 - (4) If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
 - (5) If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
 - (6) Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.
- B. Ground water quantity.
- (1) Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.
 - (2) A proposed subdivision shall not result in a lowering of the water table at the subdivision boundary by increasing runoff with a corresponding decrease in infiltration of precipitation.

§ 12-32. Floodplain management.

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, it shall comply with the requirements of Chapter 6 (Floodplain Management) of the Municipal Code of Winslow.

§ 12-33. Identification of freshwater wetlands, rivers, streams or brooks.

Freshwater wetlands within the proposed subdivision shall be identified in accordance with the 1987 Corps of Engineers Wetland Delineation Manual, published by the United States Army Corps of Engineers. Any rivers, streams, or brooks within or abutting the proposed subdivision shall be identified.

§ 12-34. Stormwater management.

- A. For subdivisions that require a DEP review under the Site Location of Development Act (SLDA), a stormwater management plan shall be submitted which complies with the SLDA permit and the requirements of DEP Chapter 500 Stormwater Regulations.
- B. For subdivisions that do not require a SLDA permit, but require a DEP permit under the Stormwater Law, a stormwater management plan shall be submitted which complies with the requirements of DEP Chapter 500 Stormwater Regulations.
- C. For subdivisions within the watershed of a Great Pond, containing: five or more lots or dwelling units created within any five-year period; or any combination of 800 linear feet of new or upgraded driveways and/or streets; a stormwater management plan shall be submitted that meets the phosphorus allocation across the entire subdivision in accordance with the methodology described in the DEP Phosphorus Design Manual, Volume II of the Maine Stormwater Best Management Practices Manual, 2006.
- D. The Planning Board may require a hydrologic analysis for any site in areas with a history of flooding or in areas with a potential for future flooding, associated with cumulative impacts of development. This hydrologic analysis would be in the form of a "Downstream Analysis" under conditions of the ten-year, twenty-four-hour storm and the twenty-five-year, twenty-four-hour storm, and the one-hundred-year, twenty-four-hour storm, as described below:

Downstream Analysis Methodology

The criteria used for the downstream analysis is referred to as the "10% rule." Under the 10% rule, a hydrologic and hydraulic analysis for the ten-year, twenty-four-hour storm and the twenty-five-year, twenty-four-hour storm, and the one-hundred-year, twenty-four-hour storm is extended downstream to the point where the site represents 10% of the total drainage area. For example, a ten-acre site would be analyzed to the point downstream with a drainage area of 100 acres. This analysis should compute flow rates and velocities downstream to the location of the 10% rule for present conditions and proposed conditions. If the flow rates and velocities increase by more than 5% and/or if any existing downstream structures are impacted, the designer should redesign and incorporate detention facilities.

§ 12-35. Traffic conditions and streets.

- A. General standards. The proposed subdivision shall comply with the requirements of Chapter 11 (Streets) of the Municipal Code of Winslow.
 - (1) The subdivision transportation system shall provide safeguards against hazards to vehicles, bicyclists and pedestrians in interior subdivision streets and access connections to external streets;
 - (2) The subdivision transportation system shall have design standards that avoid traffic congestion on any street;
 - (3) The subdivision transportation system shall provide safe and convenient circulation for vehicles, bicyclists and pedestrians on interior subdivision streets and access connections to external streets;
 - (4) The subdivision transportation system shall have design standards that are compatible with the estimated Average Annual Daily Traffic of the street, the land uses accommodated by the street, and the lot density of the street; and
 - (5) The subdivision transportation system shall have a positive relationship to the natural setting of the proposed subdivision site.

§ 12-36. Open space development.

A. Applicability.

- (1) The provisions of § 12-36 shall be mandatory for all major subdivisions in the Rural and Conservation Districts except as otherwise noted.
- (2) The provisions of § 12-36 shall be optional for all major subdivisions in the following districts: High Density Residential, Medium Density Residential, Low Density Residential, Mixed Use, and Industrial.

B. Unbuildable area. Unbuildable area includes those portions of the lot.

- (1) With hydric soils.
- (2) Subject to rights-of-way or easements.
- (3) Located in Resource Protection District.
- (4) Covered by surface waters.
- (5) Utilized for storm water management facilities.
- (6) With slopes exceeding 20%.
- (7) Ten percent of the area of the lot to account for roads and parking.
- (8) A floodway or a coastal high hazard zone as designated in the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration.

C. Maximum density and open space.

- (1) Growth open space percentage. The High Density Residential, Medium Density Residential, Low Density Residential, Mixed Use, or Industrial District(s) shall have an Open Space Percentage of 30% for open space subdivisions.
- (2) Rural open space percentage. The Rural or Conservation District(s) shall have an Open Space Percentage of 60% for open space subdivisions.
- (3) Number of allowable lots. The total number of residential units allowable within an open space subdivision shall equal but not exceed the number of units that would otherwise be allowed in a conventional subdivision in an existing zoning district unless a density bonus is granted per § 12-36C. The total number of dwelling units allowed shall be determined by the following formula:

Total Dwelling Units Allowed = Total Parcel minus Unbuildable Area divided by Minimum Lot Size

$$TU = (TP - UA) / MLS$$

Where:

TU	=	Total Units Allowed (dwelling units)
TP	=	Total Parcel (acres)
UA	=	Unbuildable Area (acres)
MLS	=	Minimum Lot Size (acres)

NOTE: If minimum lot size is in square feet round to nearest fraction of an acre e.g. a 20,000 square foot minimum lot size would be rounded up to 1/2 an acre.

- (4) Open space set aside. The amount of Designated Open Space that shall be set aside shall be determined by the following formula:

Total Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas

$$TO = (TP - PC) OSP + PC$$

Where:

- TO = Total Open Space Set Aside (acres)
- PC = Primary Conservation Areas (acres)
- OSP = Open Space Percentage (% of Buildable Area)

D. Density bonuses. The Planning Board may grant a density bonus to an applicant who proposes affordable housing and/or a Low Impact Development approach as a component of the open space subdivision, in accordance with the following criteria:

(1) Affordable housing bonus.

- (a) A 10% increase in the number of dwelling units allowed may be granted by the Planning Board if an applicant provides a minimum of 25% of units affordable for families meeting criteria of 80% to 120% of the County's median income. Such units may be either for sale or rent.
- (b) The Planning Board must approve a plan for long-term retention of the affordable units within that category.

(2) Low Impact Development (LID) Bonus. A 10% increase in the number of dwelling units allowed may be granted by the Planning Board if LID practices according to Maine State Planning Office's "LID Guidance Manual for Maine Communities" are incorporated into the subdivision.

E. Design standards.

(1) The following objectives for location of lots and designated open space shall be achieved to the greatest extent feasible in prioritized order:

(a) Within rural or conservation district(s):

- [1] Primary Conservation Areas in protected open space.
- [2] Lots on or with access to suitable soils for subsurface wastewater disposal if no public sewer system.
- [3] Lots within woodlands or if that's not possible along far edges of open fields preferably adjacent to woodlands (to enable new construction to be absorbed by natural landscape features).
- [4] Lots where scenic views from public roadways are least likely to be blocked or interrupted.
- [5] Essential habitats of rare, threatened or endangered wildlife and rare or exemplary plants and natural communities identified on State Beginning with Habitat maps in protected open space.
- [6] Stream corridors and wildlife travel corridors with respective undisturbed vegetative buffers of 100 feet and 300 feet width in protected open space.
- [7] Preservation of cultural features of the rural landscape, including significant trees, stonewalls, tree lines, and when feasible historic farmhouses and outbuildings. Significant trees, tree lines, and stonewalls and other important natural features not included within designated open space should be incorporated along the edges of individual lots or along a path or road, rather than transected by lot lines or a roadway.

- [8] High Value Plant and Animal Habitat areas identified on State Beginning with Habitat map and high value natural areas identified in an adopted local or regional open space plan in protected open space.
 - [9] Contiguous, usable area for agriculture or sustainable wood lot production in protected open space.
 - [10] Where linkage with nearby open space on other properties is not blocked, and when possible, where continuous corridors of natural vegetation are protected in alignment with any adopted local or regional open space plan.
 - [11] Lots avoid slopes exceeding 20% and tops of ridgelines.
 - [12] Lots avoid natural drainage ways.
 - [13] Class 1, 2, 3 agricultural soils as defined by USDA in protected open space.
 - [14] Lots where greatest number of units could take maximum advantage of solar heating opportunities provided there is no or minimal conflict with other objectives.
- (b) Within High Density Residential, Medium Density Residential, Low Density Residential, Mixed Use, or Industrial District(s):
- [1] Primary Conservation Areas in protected open space.
 - [2] Preservation of cultural features of the village landscape, including stone walls, tree lines, and when feasible historic homes and outbuildings.
 - [3] Lots where linkage with nearby open space on other properties is not blocked, and when possible, where continuous corridors of natural vegetation are protected in alignment with any adopted local or regional open space plan.
 - [4] Lots where buildings will not interfere with solar access of other properties.
 - [5] Lots where greatest number of units could be designed to take maximum advantage of solar heating opportunities.
 - [6] Lots within woodlands contained in the parcel or if that's not possible along far edges of open fields preferably adjacent to woodlands (to enable new construction to be absorbed by natural landscape features).
 - [7] Lots where scenic views from public roads are least likely to be blocked or interrupted.
- (2) Architectural compatibility of new construction with historic buildings in the community or region is [strongly recommended].

F. Other standards.

- (1) Flexible lot dimensions. Reductions below the minimum otherwise required by the Zoning Ordinance for lot area, street frontage, and lot width are allowed for open space subdivision lots except that minimum lot size for subsurface disposal remains 20,000 square feet. Irregular lot shapes are allowed.
- (2) Minimum setback. The minimum setback of lot lines from edge of road pavement shall be 20 feet.
- (3) Parcel boundary setback and buffer. Lots shall not be less than 50 feet from parcel boundary. A minimum fifty-foot undisturbed buffer shall be established between lots and the parcel perimeter.
- (4) Privacy. To the extent practical, building sites shall be delineated to maximize the privacy afforded to each dwelling unit, by, for example, positioning homes to eliminate direct sight lines to neighboring

homes. Single-loaded streets (houses on just one side of the street) are encouraged.

- (5) Green lot perimeter strip. A green perimeter strip, not less than 25 feet wide shall be maintained with shrubs and trees along all lot lines except outside of wooded areas in designated growth districts or areas the front yard buffer strip may be vegetated with grass or flowers. Such a green strip shall not be built on or paved or used for parking or storage. There shall be no removal of trees over four inches in diameter within this buffer. Vegetation shall be retained in its natural state, although tree planting shall be permitted as a matter of right.
- (6) Roadside buffer. Outside of designated growth areas, a subdivision in which the land cover type at the time of application is forested, shall maintain an undisturbed wooded buffer strip no less than 50 feet in width along all existing public roads. The buffer may be broken only for driveways and streets.
- (7) Ridgelines. When a proposed subdivision contains a ridge line identified in the comprehensive plan as a visual resource to be protected, the plan shall restrict tree removal and prohibit building placement within 50 feet vertical distance of the ridge top. These restrictions shall appear as notes on the plan and as covenants in the deed.
- (8) Historic resources. If any portion of the subdivision is designated a site of historic or prehistoric importance by the comprehensive plan, National Register of Historic Places, or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan. When the historic features to be protected include buildings, the placement and the architectural design of new structures in the subdivision shall be similar to the historic structures. The Board shall seek the advice of the Maine Historic Preservation Commission in reviewing such plans.
- (9) Essential habitat buffer. At least a minimum three-hundred foot undisturbed natural buffer shall be established between development and any Essential Habitat Areas as mapped by Maine Department of Inland Fisheries and Wildlife (MDIFW) Beginning with Habitat program. The applicant shall provide review comments from MDIFW or Maine Natural Areas Program as applicable when essential habitat Areas have been identified.
- (10) Access limit. Points of subdivision access to a single existing road shall not exceed two.
- (11) Roads.
 - (a) Roads serving open space subdivisions with up to 20 dwelling units shall have a minimum pavement width of 18 feet with a minimum shoulder width of three feet. Roads for all subdivisions shall have a maximum pavement width of 20 feet. Shoulders shall be topped with two inches to three inches of loam and seeded with grass suited for the purpose.
 - (b) Where feasible, horizontal road alignments shall work with the topography and existing site conditions to follow the natural contours and avoid physical features that give the land its character.
 - (c) Open fields, agricultural lands and sensitive habitats should be crossed at the edges, preferably along hedgerows and treelines when possible. Roadways shall avoid bisecting fields.
 - (d) Where feasible, proposed roads should follow any existing gravel/dirt road that has value as a local historic resource.
 - (e) When roads cross significant viewsheds in open fields, consideration shall be given to design approaches that will minimize their visual impact. These may include earth berms (designed with gently tapered side slopes), landscape screening using native shrubs, and 'ha-ha's' (an old English tradition which puts the roadway in a slight depression and out of view).
 - (f) Where existing roads must be widened to accommodate increased traffic volumes, care shall be taken to preserve mature roadside trees and other features which contribute to the road's

character.

- (g) Where drainage culverts are visible, the ends shall be cut off to follow the contour of the surrounding grade and/or covered with stone.
 - (h) Guardrails shall be constructed of wood or self-oxidized steel to avoid a harsh industrialized appearance.
- (12) Common driveways. Common driveways are allowed and encouraged where appropriate to access individual lots. The following design and construction standards shall apply:
- (a) The maximum length shall not exceed 1,000 feet.
 - (b) All common driveways in excess of 500 feet shall contain at least one ten-foot by thirty-foot turnout. The exact location shall be determined by the Planning Board with the review of the Fire Department.
 - (c) The common driveway shall have a minimum twenty-five foot right of way (ROW) for up to two lots or dwelling units, and a minimum fifty-foot ROW for over two lots or dwelling units.
 - (d) The travel way shall be 12 feet wide with two foot graded and grassed shoulders, and shall be located as close as possible to ROW centerline.
 - (e) The travel way shall be constructed of a minimum of 12 inches of gravel.
 - (f) Drainage ditches and culverts shall be provided as necessary.
- (13) Trails.
- (a) Trail improvements shall demonstrate adherence to principles of quality trail design.
 - (b) Trails shall have a vertical clearance of not less than 10 feet.
 - (c) The width of the trail surface may vary depending upon type of use to be accommodated, but in no case shall it be less than three feet or greater than six feet.
 - (d) No trail shall be designed with the intent to accommodate motorized vehicles.
 - (e) Trails except for points of access shall be no less than 50 feet from parcel boundary.
- (14) Mowing. Any portion of the designated open space not under cultivation which is comprised of open field or pasture shall be mowed at least once annually.
- (15) Open space contiguity. Reasonable efforts shall be made to locate designated open space adjacent to existing undeveloped land to form a continuous integrated open space system according to local or regional open space plan if any. At least 75% of designated open space shall be contiguous.
- (16) Shared subsurface disposal systems. Shared subsurface disposal systems may be permitted in designated open space provided that an alternative location be set aside for future replacement and the requirements of the Maine State Plumbing Code are met, including appropriate provisions for legal obligations related to maintenance and replacement.
- (17) Underground utilities. All utilities shall be installed underground unless specifically waived by the Planning Board. Transformer boxes, pumping stations and meters shall be located so as not to be unsightly or hazardous to the public.
- (18) Phosphorous export. When a proposed subdivision is within the direct watershed of a Great Pond, the applicant shall make provisions to limit the export of phosphorus from the site following completion of the development, consistent with the maximum allowable phosphorus standard from Maine

Department of Environmental Protection's "Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development."

- (19) Active recreation. Active recreation requires equipment and takes place at prescribed sites and includes tennis and other court games, swimming, baseball and other field sports and playground activities. Active recreation shall be limited to one site, can encompass no more than one acre of the designated open space and must be screened from view in rural districts or areas except as noted further in this subsection. Any building associated with the active recreation site is limited to 400 square feet. When open space subdivisions are located in the High Density Residential, Medium Density Residential, Low Density Residential, Mixed Use, or Industrial District(s) with zoning district density equal to or greater than three dwelling units per acre 25% of the designated open space up to a maximum of three acres can be used for active recreation including ball fields and total building footprint is limited to 1,000 square feet.
 - (20) Future subdivision. When a subdivision will not utilize the entire parcel and there is a potential for future subdivision the total number of initial lots and future lots shall be provided and an area where future lots will be located and remaining area where protected open space will be designated shall be delineated according to the requirements for open space subdivisions. Once an initial subdivision has been approved the number of future lots and delineated areas of future development and future protected open space cannot be altered. Lot sizes can be changed within the future development area.
- G. Open space ownership, use, and maintenance. The Designated Open Space created by the subdivision shall be:
- (1) Shown on the plat plan with the following notation: "Designated Open Space shall not be further subdivided or used for future building lots.
 - (2) Shown on the plat plan including boundaries of Designated Open Space areas, active recreation area if any, agricultural area, and naturally, undisturbed vegetated areas and marked in the field with signage approved by the Planning Board to distinguish these areas from private property.
 - (3) Accessible to the owners or residents of the development, subject to any necessary limitations in connection with the uses of the land (e.g., farming), which may be permitted.
 - (4) Uses. Limited to uses for passive recreation, or other passive outdoor activities, agriculture, forest management or individual or group septic systems, and for preserving the natural features of the site except as noted in § 12-36H(.15). Potential uses (e.g., farming) may be by the subdivider, owners or residents, or a lessee. The use of any open space may be further limited or controlled at the time of final subdivision approval as necessary to protect adjacent properties.
 - (5) Management plan. Managed according to a management plan for the designated open space and facilities that's approved by the Planning Board, which includes the following:
 - (a) Identifies the entity assuming responsibility for stewardship and management of the designated open space, including regular inspections to confirm continued compliance with the terms of the subdivision approval and conservation easement or deed restrictions.
 - (b) Includes detailed standards and schedules for maintenance of the designated open space, including maintenance of vegetation.
 - (c) Allows for municipal maintenance in the event that the maintenance specified under the agreement is not completed and recovery of costs incurred from the designated management entity or the owners of the designated open space within the subdivision.
 - (d) Provides that any amendments to the plan shall be reviewed and approved by the Planning Board.
 - (e) Prior to the commencement of any timber harvesting a forest management plan defined by Title 36 M.R.S.A. § 573.3-A shall be submitted to the Planning Board. The plan must be prepared by a

licensed professional forester or a landowner and be reviewed and certified by a professional forester.

- (6) Ownership. Owned, preserved, and maintained as required by this section by any of the following mechanisms or combinations thereof:
 - (a) Dedication of open space to the Town or a suitable land trust, if either is willing to accept the dedication.
 - (b) Dedication of development rights of open space to a suitable land trust with ownership by a private individual or homeowners association.
 - (c) Ownership of the open space by a homeowners' association which assumes full responsibility for its maintenance with open space protection deed restrictions enforceable by any landowner in the subdivision, any owner of separate land parcels abutting the open space, or the municipality.
 - (d) Ownership by a private individual with open space protection deed restrictions enforceable by any land owner within the subdivision, any owner of separate land parcels abutting the open space, or the municipality. This option may apply only if open space is part of an existing farm, working or not, if there is a future intent to farm by the owner and no land trust is willing to accept dedication of development rights of the open space.
- (7) Homeowner's association. Controlled by a homeowners association in the event ownership options per § 12-361(6)(a),(b) and (d) are not exercised. If a homeowners' association (association) is to be formed it shall be incorporated by the developer prior to final subdivision approval. Covenants for mandatory membership in the association shall be approved by the Planning Board and included in the deed for each lot or unit. Draft by-laws of the proposed lot owners' association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities shall also be subject to Planning Board approval. The association's documents shall specify that:
 - (a) The association shall have the responsibility of maintaining the designated open space and other private facilities dedicated to the use in common by the development's resident.
 - (b) The association shall levy annual charges against all property owners to defray the expenses, if any, connected with maintenance of the common open spaces and facilities.
 - (c) The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.
 - (d) The developer shall maintain control of designated open spaces and facilities and be responsible for their maintenance until at least 51% of the development lots or units have been conveyed, with evidence of such completion and sales submitted to and approved by the Planning Board.
- (8) Prior to final approval by the Planning Board the applicant shall submit for review by the municipal attorney any restrictive covenants, conservation easement, or other legal agreements proposed for use in the open space subdivision. The municipal attorney shall advise the Planning Board of the adequacy of such legal provisions. In accordance with § 12-12B, the applicant shall pay all associated costs of the legal review.

Article XI. Performance Guarantees

§ 12-37. Types of guarantees.

- A. With submittal of the application for final plan approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required

improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:

- (1) Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as owner, for the establishment of an escrow account;
- (2) A performance bond payable to the municipality issued by a surety company, approved by the municipal officers, or Town Manager; or
- (3) An irrevocable letter of credit (see Appendix A for a sample) from a financial institution establishing funding for the construction of the subdivision, from which the Municipality may draw if construction is inadequate, approved by the municipal officers, or Town Manager.

B. The conditions and amount of the performance guarantee shall be determined by the Planning Board with the advice of the municipal engineer, road commissioner, municipal officers, and/or municipal attorney.

§ 12-37.1. Contents of guarantee.

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the applicant will be in default and the municipality shall have access to the funds to finish construction.

§ 12-38. Escrow account.

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

§ 12-39. Performance bond.

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.

§ 12-40. Letter of credit.

An irrevocable letter of credit from a bank or other lending institution with offices in the region shall indicate that funds have been set aside for the construction of the subdivision for the duration of the project and may not be used for any other project or loan.

§ 12-41. Phasing of development.

The Planning Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

§ 12-42. Release of guarantee.

Prior to the release of any part of the performance guarantee, the Planning Board shall determine to its satisfaction, in part upon the report of the municipal engineer or other qualified individual retained by the municipality and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested.

§ 12-43. Default.

If upon inspection, the municipal engineer or other qualified individual retained by the municipality finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the Code Enforcement Officer, the municipal officers, the Planning Board, and the applicant or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.

§ 12-44. Improvements guaranteed.

Performance guarantees shall be tendered for all improvements required to meet the standards of this ordinance and for the construction of the streets, storm water management facilities, public sewage collection or disposal facilities, public water systems, and erosion and sedimentation control measures.

Article XII. Waivers

§ 12-45. Waivers of certain submission requirements authorized.

Where the Planning Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, or that the application is simple and minor in nature, it may waive portions of the submission requirements, unless prohibited by this ordinance or Maine statutes, provided the applicant has demonstrated that the performance standards of this ordinance and the criteria of the subdivision statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or this ordinance.

§ 12-46. Waivers of certain improvements authorized.

Where the Planning Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or this ordinance, and further provided the performance standards of this ordinance and the criteria of the subdivision statute have been or will be met by the proposed subdivision.

§ 12-47. Waiver of procedural steps.

The Planning Board may allow an applicant to combine the final plan and preliminary plan application steps into one procedure, upon making all of the following written findings of fact:

- A. No new streets are proposed;

- B. No approvals are required from the Maine Department of Environmental Protection under the Site Location of Development Act, Stormwater Law, or Natural Resources Protection Act, other than a "Permit by Rule;"
- C. The Planning Board agrees to approve a waiver from the requirement to submit a stormwater management plan and sedimentation and erosion control plan, as ordinarily required by Article VI or VII; and
- D. The application contains all other applicable submissions required for both the preliminary and final plan steps, except for those items for which a waiver of a required submission has been requested and granted.

§ 12-48. Conditions for waivers.

Waivers may only be granted in accordance with §§ 12-45, 12-46 and 12-47. When granting waivers, the Planning Board shall set conditions so that the purposes of this ordinance are met.

§ 12-49. Waivers to be shown on final plan.

When the Planning Board grants a waiver to any of the improvements required by this ordinance, the final plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

Article XIII. Appeals

§ 12-50. Appeals to Superior Court.

An aggrieved party may appeal any decision of the Planning Board under this ordinance to Kennebec County Superior Court, within 30 days of the date the Planning Board issues a written order.

*Town of Winslow, ME
Friday, October 5, 2018*

Chapter 13. Vehicles and Traffic

[HISTORY: Adopted by the Town Council of the Town of Winslow 12-8-1986 by Ord. No. 7-1986. Amendments noted where applicable.]

Article I. Parking Restrictions

§ 13-1. Title, purpose, and definitions.

- A. Title. Chapter 13 of the Municipal Code of Winslow, Maine shall be known and may be cited as the "Traffic and Parking Ordinance of the Town of Winslow."
- B. Purpose. The purpose of this chapter is to regulate traffic, parking, and the use of the streets, ways, and roads of the Town of Winslow, and to provide for the enforcement of such for the public health, safety, convenience and welfare.
- C. Definitions.

ALL-NIGHT PARKING

Parking for a period of time between the hours of 12:00 a.m. and 6:00 a.m. of the day, during such period of the year as specified herein. Physicians or emergency personnel on bona fide emergency calls are exempt from this provision.

OFFICIAL TRAFFIC-CONTROL DEVICES, SIGNS

All signals, signs, markings, and devices placed or erected by authority of the Town Council or public official having jurisdiction for the purpose of regulating, warning, or guiding parking or traffic.

PARK

The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

PERSON

Every natural person, firm, agency, co-partnership, association, company, entity, or corporation.

ROADWAY

That portion of a street, way or road designated or ordinarily used for vehicular traffic.

STANDING

Any stopping of a vehicle, whether occupied or not.

STREETS, WAYS, or ROADS

The entire width between property lines or every way or place of whatever nature when any part thereof is owned by the Town of Winslow and open to the use of the public for vehicular traffic.

VEHICLE

Every device in, upon, or by which any person or property is or may be transported upon a street, way, or road except devices moved by human power, or used exclusively on tracks or skis.

§ 13-2. Authority to restrict parking.

- A. The chief of police for the purpose of and based on the public health, safety, welfare, and convenience, is authorized to designate crosswalks and safety zones for pedestrians and inform the director of public works who shall be responsible for installing and maintaining appropriate signs and/or devices indicating the type of such areas or zones.
- B. The Town Council shall designate intersections along streets, ways, and roads as areas to "Yield" and to cause appropriate signs to be installed designating such.
- C. The Town Council shall, for the purpose of and based on the public health, safety, welfare, and convenience, restrict parking in certain areas along streets, ways, and roads and, except regarding parking of vehicles during winter months, shall direct the director of public works to install and maintain appropriate signs and/or devices indicating such.

§ 13-3. Stopping, standing or parking prohibited in specified areas.

No person shall leave any motor vehicle stopped, standing or parked, except when necessary to avoid conflict with other traffic or in compliance with law or at the direction of a police officer, in any of the following places:

- A. On a sidewalk;
- B. Across the front of a private or public driveway;
- C. Within a minimum of 15 feet of an intersection;
- D. In a properly marked loading zone, unless authorized for loading and unloading;
- E. Alongside or opposite a street or highway excavation;
- F. Within 15 feet on either side of a fire hydrant;
- G. Blocking entrance to fire station; and
- H. At any place where official signs prohibit parking or standing.

§ 13-4. Restricted parking on narrow streets.

- A. There shall be no parking upon any street when the width of the roadway does not exceed 20 feet, or upon one side of a street indicated by such signs when the width of the roadway does not exceed 30 feet.
- B. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

§ 13-5. Restricted parking, certain vehicles.

It shall be unlawful to leave parked or standing any vehicle or combination of vehicles in excess of 25 feet in length on any street, way or road designated by the Town Council. Vehicles engaged in the delivery of or picking up merchandise are exempted from this section provided that they are so parked as to not interfere with traffic flow.

§ 13-6. Motor vehicles prohibited in parks and recreational areas.

Motor vehicles, including all types of motor-driven cycles, shall be prohibited from operation on any Town-owned and Town-operated parks and other Town-operated recreational areas, including school recreational areas, except public maintenance and construction vehicles. Parking in Town-owned or Town-operated recreational areas shall be permitted only in such areas reserved for use as parking areas.

§ 13-7. Parking of vehicles during winter months.

No vehicle except ambulances, fire trucks, police vehicles, public works, or public utilities vehicles, or any other vehicle in an emergency, shall be parked on any public streets, ways, or roads in the Town from the hours of 12:00 a.m. to 7:00 a.m. each year from November 15 to April 15 of the following year. Notice of this section shall be published each year in a newspaper of general circulation within the Town of Winslow.

§ 13-8. Obstructing public snow removal; towing of vehicles.

- A. Any police officer of the Town may cause any vehicle on any public street, way, or road, which interferes with or hinders the removal of snow from any public place, or the safe or convenient movement of traffic during public snow removal, to be removed from the street, way, or road and placed in a suitable parking area at the expense of the owner of such vehicle. Neither the State of Maine or the Town of Winslow nor any officer, official, or employee of the Town of Winslow shall be liable for any damages that may be caused by such removal of any such vehicle.
- B. The Winslow police department shall remove any such motor vehicle illegally parked pursuant to this section by a duly licensed wrecker, and the costs, and expenses of the removal of such motor vehicle shall be at the expense of the owner.
- C. The owner of such illegally parked motor vehicle pursuant to this section may obtain possession of such vehicle after removal, only upon payment of all costs and expenses of such removal, plus the payment of all parking fines and other civil penalties pursuant to the applicable penalty provisions.

§ 13-9. Handicapped parking.

- A. No person shall park a vehicle in a parking space designated for use by handicapped persons unless such vehicle displays a special registration plate or placard issued pursuant to § 252 of Title 29, M.R.S.A., or a similar plate or placard issued by another state.
- B. A public parking space is "designated" for use by handicapped persons if it is marked by a posted sign consisting of a profile view of a wheelchair with occupant in white on blue background and the warning "Handicapped Parking." Such sign must be adjacent to and visible from the parking space it marks.
- C. A parking space on private property is "designated" for use by handicapped persons if it is:
 - (1) Marked by a sign conforming to the standards set forth in Subsection B above; and
 - (2) Identified in a handicapped parking schedule maintained in police department files.
- D. The chief of police, or his designated agent, may enter into agreements with owners of private off-street parking which is opened to the public, to provide for the policing of parking spaces reserved by such owners for use by handicapped persons.

§ 13-10. Penalties, authority to remove vehicles; authority to impound vehicles for failure to pay fines.

[Amended 5-12-2003 by Ord. No. 1-2003]

- A. Any person in violation of any of the provisions of this article shall be subject to a fine of \$25 payable to the Town of Winslow. If such payment is not made within 30 days after the date of such violation, the fine shall be \$50. If the owner of any vehicle in violation of any of the provisions of this article cannot be located, the Winslow police department may cause such vehicle to be removed at the owner's expense and pursuant to this section.
- B. Any person in violation of the provisions of this article may waive all court action by making payment of such fine as stated by Subsection A above to the treasurer of the Town of Winslow within 21 days from the date of such violation.
- C. In addition, any vehicle in violation of the provisions of this article, and which has accumulated two or more overdue parking violations after the effective date of this chapter may be removed by the Winslow police department and stored until all fines and penalties for all outstanding violations have been paid, along with all towing and storage charges, pursuant to the following:
 - (1) Any vehicle in violation of this subsection may be removed from any street, way, or road by the chief of police or his designee or any police officer to a predetermined impoundment location by a towing company and duly licensed wrecker;
 - (2) The chief of police or his designee or the police officer requesting such removal of such vehicle shall make a reasonable effort to notify the owner that such vehicle has been removed for failure to pay such overdue parking fines. In cases where the registered owner cannot be directly contacted by such member of the police department, the chief of police or his designee shall give notice to such registered owner at his or her last known address as indicated by the motor vehicle records of the Maine Secretary of State, by regular mail, within five days of such removal of such vehicle, which notice shall state the place of storage, the parking violations alleged, the cost of the outstanding parking fines, and a statement that such vehicle cannot be retrieved without a receipt from the treasurer of the Town of Winslow stating that all such outstanding fines have been paid in full. Such person in violation of this article and subject to this subsection must present such receipt for payment in full from the treasurer of the Town of Winslow to the towing company, and shall also furnish to such towing company reasonable proof of ownership or right to possession of such vehicle, and sign a receipt therefor to such towing company before release of such vehicle shall be allowed.
- D. Notwithstanding any other penalty provisions provided by this section, the Town Council may institute any and all actions and proceedings, either legal or equitable, including seeking injunctions for violations and including the imposition of fines, that may be appropriate or necessary to enforce the provisions of this article in the name of the Town of Winslow and/or to collect or enforce any damages or claims related thereto.

Article II. Snow Removal

§ 13-11. Snow removal from private places.

- A. Snow removal by any person from any private place or private right-of-way shall always be carried out in such a manner so that it shall not interfere with either vehicular or pedestrian traffic in either direction.
- B. Snow removed from any private place or private right-of-way shall not be deposited along the side, in or on, or adjacent to any public place or public street, way, or road so that it impedes public traffic, either vehicular or pedestrian, or causes any public place or public street, way, or road to be obstructed in any manner as to width or length.

§ 13-12. Penalty.

Any person or persons who violate this article shall be subject to a fine of not less than \$25 nor more than \$100 and, notwithstanding any other penalty provisions provided by this section, the Town Council may institute any

and all actions and proceedings, either legal or equitable, including seeking injunctions for violations and including the imposition of fines, that may be appropriate or necessary to enforce the provisions of this article in the name of the Town of Winslow and/or to collect or enforce any damages or claims related thereto.

Article III. Miscellaneous Vehicle and Traffic Restrictions

§ 13-13. Vehicles transporting waste and refuse.

- A. All vehicles of every nature, while transporting any waste, garbage, refuse, rubbish, or waste of whatever kind or nature shall have the same so parked, contained, and covered by a tarpaulin, canvas or other such protection so that there is no reasonable probability or likelihood that such waste or refuse or any part thereof has, can, or will be scattered or dropped from said vehicle while in transit or upon arrival at any dump or solid waste disposal site used by or authorized for use by the Town of Winslow; and none of any such waste or refuse shall be scattered, dropped, or in any manner deposited on any public or private way or on any public or private property, except with the consent of the owner in accordance with the law and the ordinances and orders of the Town. Any dropping or scattering of any of said materials or that such waste or refuse is uncovered as required herein [sic] while in transit or upon arrival at the dump or solid waste disposal site used by or authorized for use by the Town of Winslow shall be prima facie evidence that such materials were improperly packed or contained in said vehicle. Any such vehicle arriving at any dump site or solid waste disposal facility used by or authorized for use by the Town of Winslow which vehicle is carrying any such waste or refuse which is uncovered, as required by this section shall not be allowed to dump its refuse contents.
- B. It shall be the duty of the chief of police and every police officer and the health officer to cause the summons and prosecution of any person failing to comply with the provisions of this section; and every such violation of this section shall further be considered a civil violation subject to a fine of not more than \$100, and may further result in the revocation or suspension of the dumping permit privileges of the vehicle owner or person in violation of this section. Notwithstanding any other penalty provisions provided by this section, the Town Council may institute any and all actions and proceedings, either legal or equitable, including seeking injunctions for violations and including the imposition of fines, that may be appropriate or necessary to enforce the provisions of this section in the name of the Town of Winslow and/or to collect or enforce any damages or claims related thereto.

§ 13-14. Prohibition concerning advertising matter placed on motor vehicles.

- A. No person shall place, leave or attach any pamphlets or advertising matter in, about or upon any motor vehicle not owned by that person while such vehicle is parked on any highway, street, municipality owned parking area, way, road, or any other public place, except that this section shall not apply to traffic tickets, summons or legal notices placed on any such motor vehicle by an officer of the law. "Public place" shall mean a place to which the public at large or a substantial group has access, including but not limited to public ways including any public highway, private way laid out under authority of statute, way dedicated to public use, way upon which the public has a right of access or has access as invitees or licensees, or way under the control of park commissioners or a body having like powers, and public place shall also include but not be limited to schools, government-owned custodial facilities, and parking lots of apartment houses, churches, hotels, public buildings, and transportation terminals.
- B. Any person or persons who violate this section shall be subject to a fine of not less than \$25 nor more than \$100. Notwithstanding any other penalty provisions provided by this section, the Town Council may institute any and all actions and proceedings, either legal or equitable, including seeking injunctions for violations and including the imposition of fines, that may be appropriate or necessary to enforce the provisions of this section in the name of the Town of Winslow and/or to collect or enforce any damages or claims related thereto.

§ 13-15. Parking and traffic restrictions on North Garand Street and Boston Avenue.

[Added 8-8-1988 by Ord. No. 4-1988]

- A. Effective 30 days from the passage of this section, there will be absolutely no parking on North Garand Street and Boston Avenue commencing at the intersection of Clinton Avenue and those streets, thence north to the intersection of Danielson Street and the above-stated street, with the exception of public service and emergency vehicles.
- B. These parking regulations shall be in effect from 7:00 a.m. to 4:00 p.m., Monday through Friday; and these streets shall be designated as tow-away zones.
- C. Commencing 15 feet north and on the east side of the intersection of Clinton Avenue and North Garand Street for a distance of 50 feet shall be designated a loading zone only, with no other vehicle traffic allowed other than delivery trucks or vehicles.
- D. Any person or persons parking a vehicle in violation of this section shall be ticketed by any member of the police department, and the violating vehicle shall be removed from the street by a wrecker and placed in a storage area at the owner's expense.
- E. Any person or persons found to be in violation of this section shall be subject to the fines set forth in § 13-10 of the Winslow Town Code.

§ 13-16. Parking ban on Clinton Avenue.

[Added 5-12-2003 by Ord. No. 1-2003]

- A. There will be absolutely no parking on the south side of Clinton Avenue commencing at the intersection of Monument Street and proceeding west for a distance of 230 feet.
- B. Any person or persons parking a vehicle in violation of this ordinance shall be ticketed by a member of the Winslow Police Department and the violating vehicle shall be removed from the street by a wrecker and placed in a storage area at the owner's expense.
- C. Any person or persons found to be in violation of this ordinance shall be subject to the fines set forth in § 13-10 of the Winslow Town Code.

§ 13-17. Truck traffic restrictions.

[Added 10-10-2017 by Ord. No. 11-2017]

- A. There will be no truck traffic on the following streets:
 - (1) Clifford Avenue.
 - (2) Paine Street.
- B. Exceptions to this section:
 - (1) Pickup trucks.
 - (2) Four-wheel vans.
 - (3) All Town and state vehicles.

- (4) Trucks providing a service to the Town or properties located on a street subject to no truck traffic.
- C. Any person or persons found to be in violation of this section shall be subject to the fines set forth in § **13-10** of the Winslow Town Code.