

2017

Selected Ordinances Weston Maine

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Building Notification Ordinance

Town of Weston, Maine

Adopted 06/21/2014

1. Purpose:

To provide a means of notifying the Town for assessment and tax purposes, and to provide a means for notification when the applicant is in violation of existing Town Ordinances.

2. Authority:

2.1 This ordinance is enacted pursuant to 30-A MRSA 3001 (Home Rule).

2.2 The effective date of this ordinance shall be 45 days after adoption by the voters of Weston.

2.3 This ordinance shall apply to all activities stated in section 1 (Purpose) above commenced after the effective date of the ordinance.

3. Administration:

3.1 The Code Enforcement Officer and Plumbing Inspector shall enforce all State Laws and the regulations of this ordinance, with the assistance of the Town Selectpersons.

3.2 The Code Enforcement Officer shall immediately report any violations of this ordinance to the Town Selectpersons

3.3 The Town Clerk shall accept completed Intent to Build Notification forms and place submitted forms on file in the Town Office.

4. Notification:

4.1 Before the construction, relocation, placement, expansion, or alteration (physical dimension change) of any building including mobile and manufactured homes is commenced, the owner or his/her authorized agent shall obtain an Intent to Build Notification from the Town Office to cover such work.

4.2 Intent to Build Notification shall include the following information:

a. A sketch showing location and layout of proposed building(s)

b. For new construction: proposed septic system and water source locations, if applicable.

4.3 The term "building" as used in this ordinance is defined as a structure or structures or portions thereof, constructed or erected with a fixed location on or in the ground for more than 120 days annually. **This ordinance shall not apply to buildings occupying less than 100 square feet of ground area nor work the cost of which does not exceed \$1,000.00.**

4.4 The cost of the Intent to Build Notification shall be \$20.00.

4.5 The Intent to Build Notification is valid for 1 year and is extendable for an additional year for another \$20.00. After 2 years, a new Intent to Build Notification application will be required.

5. Enforcement:

This ordinance shall be enforced pursuant to 30-A MRSA 4452 and all penalties and remedies contained within that statute, as amended, shall apply to any violation of this ordinance.

5.1 Any violation of this ordinance shall be deemed a violation under the law, 30-A MRSA 4452.

5.2 It shall be the duty of the Code Enforcement Officer (CEO) to enforce the provisions of this ordinance. If the CEO shall find that any provision of this ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Copies of such notices shall be delivered to the Town Selectpersons and maintained as a permanent record.

5.3 When the above action does not result in the correction or abatement of the violation, the Municipal Officers are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations that may be appropriate or necessary to enforce the provisions of this ordinance in the name of the Municipality.

6. Conflicting Provisions:

Whenever the regulations made under authority hereof differ from those described in any Federal or State statute, Ordinance or other regulation, that provision which imposes the greater restriction or higher standard shall govern.

7. Validity:

If any section, clause, provision, portion or phrase of this ordinance shall be held invalid or unconstitutional by any Court of competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of this ordinance.

8. Penalty:

Any person, persons, firm or corporation owning or having control of any building or premises in the Town of Weston and not obtaining an "Intent to Build Notification" will be subject to penalties as set forth in 30-A MRSA 4452. All burden of proof as to the date of noncompliance rests with the violator.

9. Amendments:

This ordinance may be amended by majority vote of the Town at any Town Meeting, the warrant for which gives notice of proposed change(s).

TOWN OF WESTON

DOG ORDINANCE

SECTION I: DEFINITIONS:

As use in this Ordinance, the following words shall have the following respective meanings.

- A. Owner: "Owner" means any person, partnership, association or corporation owning, keeping or harboring a dog or dogs.
- B. Dog Constable: The Police Constable authorized and appointed by the Selectmen of Weston to have the primary duty to enforce the provisions of all ordinances of the Town of Weston and laws of the State of Maine concerning the protection, licensing and control of dogs or other animals.

SECTION II: RESTRICTIONS:

No owner or person having custody of any dog or dogs kept within the legal limits of the Town of Weston shall allow such dog or dogs to unnecessarily annoy or disturb any person by continued or repeated barking or other loud or unusual noises.

SECTION III: ENFORCEMENT:

Upon written complaint by the person disturbed, signed and sworn to, the Dog Constable of the Town of Weston or duly qualified law enforcement official may investigate and may give written notice by certified mail, return receipt requested to the owner or keeper of such dog or dogs that such annoyance or disturbance must cease within two days of receipt of notice. The warning shall be made part of the complaint.

Thereafter, upon continuance of such annoyance or disturbance, such owner shall be guilty of a civil violation. Each violation shall be punished by a fine of \$24.00. Each day such violation continues shall constitute a separate violation. The municipality may be awarded attorneys fees and costs incurred in enforcing the ordinance. All fines so assessed shall be recovered for the use of the Town of Weston through District Court.

Passed June 1, 1999

TOWN OF WESTON

DRIVEWAY ENTRANCE ORDINANCE

Adopted August 31, 1998

1. PURPOSE AND AUTHORITY: APPLICABILITY: EFFECTIVE DATE.

Uncontrolled driveway entrances to the public roads constitute a threat to the health, safety and welfare of the public. Driveways which are not properly placed or constructed cause serious drainage problems and interfere with the municipality's ability to maintain the road in a safe and passable condition. The purpose of this ordinance is to protect the public by creating a uniform process for driveway, installation. This ordinance is adopted pursuant to the municipality's Home Rule powers and pursuant to 23 M.R.S.A., Section 704, 705. (See attached)

This ordinance applies to all driveway entrances that are constructed or established after the effective date of this ordinance.

This ordinance becomes effective when adopted by the voters at any properly called town meeting.

2. DEFINITIONS:

Except as defined below or if the context dictates otherwise, words used in this ordinance shall have their common, ordinary meaning.

Persons: includes an individual, corporation, partnership, association trust, estate, joint venture, club or any other type of group or entity, and includes the plural of these as well as the singular and male as well as female where appropriate.

Driveway: any access serving two or fewer lots from a town way or state or state-aid road.

Driveway entrance: that portion of a driveway which is located within the right- of- way of a town way or of a state-aid highway which is maintained by the municipality, and which provides an entrance from the public road to abutting property.

3. PERMIT REQUIRED:

No person and/or contractor may construct or establish a driveway entrance, or allow a driveway entrance to be constructed or established on that person's property, without first obtaining a driveway permit from the Town of Westons Road Commissioner (s).

4. CULVERTS:

If the permitting authority determines that a culvert is necessary for the driveway entrance, he or she shall state on the permit the necessary size (diameter and Length) and type (material and gauge) culvert for the entrance in question. The landowner shall at the landowner's expense provide and install the initial culvert to the satisfaction of the permitting authority. The municipality shall be responsible for the maintenance, repair, and replacement of the culvert thereafter.

5. STANDARDS:

Driveway entrance culverts shall be new and no less that 15" in diameter, and shall be made of steel, aluminum, plastic, concrete or some other material listed in MDOT recommendations for culverts. The culvert shall be installed to the satisfaction of the permitting authority, in accordance with the generally

accepted installation standards set forth in the MDOT recommendations. The permitting authority may also require that the driveway surface be crowned or otherwise shaped to direct the flow of runoff toward the ditch and away from the travel way of the public road.

6. ENFORCEMENT AND PENALTIES:

The Board of Selectpersons or its duly authorized designee has the authority to enforce this ordinance. Any person and/or contractor who constructs or establishes a driveway entrance on his or her land shall be liable for a minimum fine of \$100.00 and maximum fine of \$500.00, which shall accrue to the municipality. The municipality may also see equitable relief including, but not limited to, an injunction preventing the use of unpermitted driveway entrance. In addition to the fine, the violator is also responsible for the municipalities court costs and reasonable attorney's fees if the municipality prevails in a civil action.

Retail Marijuana Establishments and Retail Marijuana Social Clubs Prohibition

in the Municipality of Weston, Maine

Approved 8/16/2017

Section 1. Authority.

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001.

Section 2. Definitions.

For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442.

Section 3. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs.

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs, are expressly prohibited in this municipality.

No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product, as defined by 7 M.R.S.A. § 2442.

Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C.

Section 4. Effective date; duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 5. Penalties.

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

**TRANSFER STATION ORDINANCE
WESTON, MAINE**

Approved Town Meeting, August 28, 1997

***Amended, May 22, 1999**

***Amended, May 31, 2003 (Bulky Fees)**

***Amended, June 21, 2014**

PURPOSE: The purpose of this ordinance is to regulate the disposal of refuse and prevent the unauthorized use of the transfer station by persons who are not residents or non-resident real property owners in Weston, Maine.

EFFECTIVE DATE: This ordinance shall become effective upon adoption by Town meeting.

AUTHORITY: This ordinance is adopted pursuant to and consistent with municipal home rule powers provided in 30-A MRSA § 3001.

DEFINITIONS: The following definitions apply to this ordinance:

1. Transfer Station "User" means any person whose permanent residence, whether renting or owning property, or a non-resident real property owner in Weston. Should a determination be necessary to deem whether a person qualifies as a "User", it will be made by the Board of Selectpersons, and the decision of the Board will be final.
2. "Person" includes individuals, partnerships, corporations, companies, and the agents of any of them.
3. "Refuse" includes garbage, household rubbish, construction or building materials, tires, metal products and plastics.
4. "Transfer Station" means that area on the Bancroft Road in Weston that has been set aside and designated as the Weston Transfer Station for disposal of refuse that originates in Weston.
5. "Commercial Collector" means any person who picks up refuse for a fee on a regular route and disposes of the refuse at the Weston Transfer Station.
6. "Contractor" means any person engaged in the construction of any type of structure, road or sub-surface system.
7. "Land Developer" means any person who divides land into parcels or constructs multiple housing units that require approval under the Weston Subdivision Ordinance.
8. "Transfer Station Permit" is a Town issued identifier that authorizes a person to dispose of refuse at the transfer station.
9. "Temporary Permit" is a Town issued identifier that authorizes the holder to dispose of refuse at the transfer station according to the terms and time limits appearing on the permit.
10. "Dumping Fee" means that fee that a Commercial Collector must pay for the privilege of operating a refuse disposal service in Weston and dumping the refuse at the transfer station. Fee of \$5.00, to be paid annually at the Town Office.
11. "Tipping Fee" means that per-trip fee that a User, Contractor or land developer must pay at the Weston Municipal Office or to the Transfer Station attendant before that person is authorized to dispose of any fee related refuse at the transfer station.

PERMITS: A person is not authorized to dispose of refuse at the transfer station unless a permit is displayed or the person has a valid temporary permit.

1. Any "User" may obtain a Transfer Station Permit for \$1.00 each at the Town Office. No Permits will be mailed to a person.
2. A commercial collector may obtain a permit for his vehicle upon providing a list of his/her Weston customers to the Town and payment of the annual dumping fee.
3. A contractor or land-developer should make arrangements with a licensed trash hauler to obtain a dumpster for site use and disposal at a commercially licensed solid waste processing facility, not the Transfer Station.
4. Permit will not be issued to any person who is not a "User", a contractor employed within the Weston Town limits, a land developer who has an approved subdivision in Weston, or a commercial collector with an approved route that is entirely within the Town of Weston limits.
5. A person, who has been issued a transfer station permit, is encouraged to return the permit upon terminating residency or property ownership in the Town of Weston to prevent unauthorized persons from using the transfer station.
6. No picking allowed at the Transfer Station

DUMPING AND TIPPING FEES:

Fees will be adjusted based on cost of the waste management charges to the Town, changes will be made by the Board of Selectpersons when necessary. The Schedule of Fees initially established by this Ordinance is as follows:

No fees will be required of a Weston "User", contractor or land developer with a transfer station permit unless they are disposing of an item included in the following fee schedule.

Schedule
Bulky Item Fees:

	CURRENT PRICES
Tires	
Utility & motorcycle	1.00
Passenger up to 20" diameter	3.00
Between 21" to 24.5" diameter	10.50
Tires above 24.5"	Not Accepted
Appliances with refrigerant not allowed	
Refrigerators, air conditioners, freezers	5.00
All other major appliances (washer/dryer/range/dishwasher) Metals	Free
Loose metal	Free
Riding lawn mower	
Push lawn mower	
Barbecue (lg.)	
Barbecue (sm.)	

Sinks	
Microwave	
Sofas	5.00
Overstuffed chairs	3.00
Rugs - pads 6' by 9' or larger	5.00
Electronics	
TV's, stereos, computers	2.00
Brush, Clean wood waste (No stumps, treated or painted wood)	Free
Construction & Demolition Debris (shingles, drywall, siding, etc.)	
Pickup truck (4' x 8' or trailer of equal size)	25.00/load
Single-axle truck (over 3/4 ton)	25.00/load
Double-axle truck	50.00/load

Prior arrangement for loads in excess of the above amounts shall be made through the Municipal Office.

RECYCLING

There will be recycling dumpsters placed at the transfer station site. You can separate the recyclable materials listed below at home, and drop them off at the marked dumpsters. There is no charge for dropping off recyclable material.

NEWSPAPERS, MAGAZINES, OFFICE PAPER

1. Leave them loose
2. Flyers and inserts are OK (if it's in the paper, it can be recycled)
3. All magazines and catalogs are OK.
4. Colored paper, adding machine tape, computer paper, fax paper, index cards, letterhead, post-it notes, photocopier paper, manila file folders, NCR paper (carbonless), tabulating cards, white envelopes (with or without plastic windows), scratch paper, typing paper.

TIN CANS:

Clean tin/ aluminum cans.

WESTON LANDOWNER AMNESTY:

Any landowner can apply to the Board of Selectpersons for permission to remove to the Weston Transfer Station, without fee payment, any appliances, tires or furniture illegally dumped on their property. This permission can be obtained through the Municipal Office.

DISPOSAL SITES:

Any person using the transfer station must separate refuse and dump only at the sites within the transfer station that have been approved and designated for the types of refuse being disposed of.

1. The transfer station attendant is authorized to determine where a load of refuse is to be dumped, and the attendant may refuse to permit the dumping of refuse which has not been separated or which can be identified as unauthorized refuse.
2. The dumping of refuse in front of the transfer station gate, along the outside perimeter of the transfer station or at any location within the station that is not a designated disposal site is prohibited.

UNAUTHORIZED REFUSE:

The following refuse cannot be dumped at the Weston Transfer Station:

1. Containers that contain flammables or once contained flammables unless at least one end of the container has been removed. (exception: aerosol containers).
2. Intact Propane tanks, whether empty or full.
3. Hazardous wastes, as defined by State Statutes and Regulations.
4. Human or animal (exception: domesticated household pets) wastes.
5. Drums or barrels of 5 gallon or larger size, unless one end has been removed and the drum or barrel is clean.
6. Motor Vehicles: motorized recreation vehicle, or watercraft (s).
7. Hot loads, ashes, etc.
8. Hazardous and/or caustic materials, waste oil, wet cell batteries, etc.

ENFORCEMENT AND PENALTIES:

Users of the Weston Transfer Station are subject to all rules, regulations or restrictions as set forth in the Town of Weston Solid Waste Transfer Facility Operations Manual.

This Ordinance shall be enforced by the Station Attendant, Code Enforcement Officer and the Aroostook County Sheriff Department.

1. Any person who violates the terms of this ordinance shall be subject to a fine of not more than \$100.00 for the first offense, or by a fine of not more than \$500.00 for each subsequent offense.
2. Any person who dumps refuse in front of the transfer station entrance, outside the station perimeter or at an unauthorized location outside the station shall be subject to a fine equal to that imposed by the State of Maine for littering.
3. Any person assessed a penalty under this ordinance may appeal to the appropriate State court.