

2017

Town of West Paris Selected Ordinances

West Paris (Me.). Municipal Officers

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BOARD OF APPEALS ORDINANCE

Section 1 Establishment

There is hereby established a board of appeals pursuant to 30-A M.R.S.A. § § 2691 and 3001.

Section 2 Appointment

2.1. Members of the board of appeals shall be appointed by the municipal officers, who shall determine their compensation, and shall be sworn by the municipal clerk or other person authorized to administer oaths.

2.2. The board shall consist of five (5) regular members and up to two (2) alternate members.

2.3. Regular members shall serve three (3) year staggered terms, except that the initial appointments shall be one (1) member for one year, two (2) for two years, and two (2) for three years. Alternate board members shall be appointed for three year terms.

2.4. When there is a permanent vacancy, the municipal officers shall appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member fails to attend four (4) consecutive regular meetings without a reasonable excuse, or when a member ceases to be a legal resident of the municipality. The municipal officers may remove members of the board of appeals by majority vote, after providing notice and an opportunity for a hearing.

2.5. Neither a municipal officer nor his or her spouse may serve as a member or alternate member of the board of appeals.

Section 3 Organization, Rules, and Procedures

3.1. The board shall meet annually to elect a chairperson and a secretary from among its full voting members and create and fill such other offices as it may determine. The term of all offices shall be one (1) year with eligibility for reelection.

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

3.3. 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 members, except the member who is being challenged.

3.4. An alternate member may attend all meetings of the board. He/she may ask questions or offer comments. He/she may make and second motions and vote only when he or she has been designated by the chairperson to sit for a member.

3.5. The chairperson shall call a regular meeting when there is business to conduct. Special meetings can be called at any time by the chairperson or by a majority of the members. Notice of regular, special and emergency meetings shall be given in accordance with the Maine Freedom of Access Act.

3.6. No meeting of the board shall be held without a quorum consisting of three (3) members or alternate members authorized to vote. No action shall be taken by the board without at least three (3) concurring votes on the issue before the board.

Section 4 Duties and Powers

4.1. The board of appeals may adopt bylaws governing board functions.

4.2. The board of appeals may adopt rules and procedures for transaction of business, and the secretary shall keep a record of its resolutions, transactions, correspondence, findings, and determinations.

4.3. The board of appeals shall file all bylaws, rules and procedures and subsequent revisions, and decisions with the municipal clerk.

4.4. The board of appeals shall perform such duties and exercise such powers as are provided by ordinance and the laws of the State of Maine.

4.5. The board of appeals may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose by the legislative body of the municipality.

Section 5 Severability Clause

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

Section 6 Establishment; Reestablishment

The board which has been acting as a board of appeals is hereby reestablished as the appeals board. The actions which it has taken prior to the adoption of this ordinance are hereby declared to be the acts of the legally constituted board of appeals of the Town of West Paris.

TOWN OF WEST PARIS
CURFEW ORDINANCE

- a. It shall be unlawful for any child under the age of 18 years to be or remain upon any street, alley or lane, or in any public place after nine o'clock in the afternoon, unless such child is accompanied by a parent or some adult person in loco parentis, or unless such child is returning directly home from a school function or a supervised activity for children.
- b. It shall be unlawful for a parent, guardian, or person in loco parentis of a child under the age of 18 years to permit such child to be or remain upon any street, alley, lane, or in any public place after nine in the afternoon, except under circumstances set out in paragraph (a) thereof.

Penalty: Any person upon conviction shall be punished by a fine of not less than \$25.00 and not more than \$50.00.

Curfew Ordinance was enacted as amended on March 7, 1978 (Article 61)

TOWN OF WEST PARIS
ORDINANCE PROHIBITING THE ESTABLISHMENT AND OPERATION
OF COMMERCIAL BREEDING FACILITIES OF DOGS AND CATS

An Ordinance Prohibiting the Establishment and Operation of Commercial Breeding Facilities designed for the sale of dogs and cats directly to the public. The establishment and operation of commercial breeding facilities of dogs and cats that maintains four (4) or more breeder female dogs or cats and sells seven (7) or more litters of puppies or kittens per year directly to the public to avoid Animal Welfare Act licensing and USDA inspection and enforcement of humane handling, housing and medical requirements set forth in the Animal Welfare Act shall be prohibited within the borders of West Paris.

The following are exempt from this ordinance:

- i. Any person who maintains a total of three (3) or fewer breeding female dogs or cats and who sells only the offspring of these dogs and/or cats, which were born and raised on the premises for pets or exhibition.
- ii. Any person who sells less than twenty-five (25) dogs and/or cats per year, which were born and raised on his or her premises.
- iii. Any kennel or shelter licensed by USDA and/or the State of Maine
- iv. Any non-profit rescue group that charges an adoption/donation fee.

In accordance with Title 7 M.R.S.A. Chapter 725 subpart 3950 of Maine State Law.

Enacted March 4, 2006.

Town of West Paris, Maine

Dog Control Ordinance

Section 1. TITLE

This ordinance shall be known and may be cited at the "Dog Control Ordinance of the Town of West Paris, Maine."

Section 2. PURPOSE

The purpose of this ordinance is to provide regulations in addition to those contained in Title 7, M.R.S.A., with respect to controlling dogs throughout the Town of West Paris ("the Town") in the interest of the health, safety and general welfare of all its residents.

Section 3. DEFINITIONS

As used in this ordinance, unless the context indicated otherwise:

- A. "Owner" - shall mean any person, firm, association or corporation, owning or keeping, harboring or in possession of, or having control of a dog.
- B. "At large" – shall mean a dog that is off the premises of its owner, and is not under the control of its owner by means of a leash, cord or chain, or by means of auditory or visual command signals.
- C. "Nuisance" – shall mean a dog that disturbs the peace by loud, frequent, habitual barking, howling or yelping, or engages in the destruction of property not belonging to its owner.
- D. "Dangerous dog" – shall mean a dog that, for no apparent reason, or by training, will attempt to or actually inflict bodily injury upon a domesticated animal, or upon a person who is neither trespassing on the owner's premises, nor has acted in an unreasonable, aggressive or hostile manner toward the dog or its owner.

Section 4. REGULATIONS

- A. An owner shall not permit a nuisance.
- B. An owner of a dangerous dog:
 - 1. Shall maintain continuous control over said dog, either by Means of keeping the dog in a secure enclosure, or on a chain or leash.
 - 2. Shall post conspicuous warning signs concerning the dog.
- C. It shall be unlawful for the owner of a dog (other than a service dog accompanying a person whose disability precludes compliance) to fail to promptly remove and properly dispose of any feces left by the dog on any sidewalk, street, or publicly or privately owned property (other than that belonging to the owner).

Section 5. ENFORCEMENT

- A. Impoundment:
 - 1. An animal control officer, acting with or without complaint, will impound a licensed or unlicensed dog found running at large.
 - 2. An animal control officer, acting with or without complaint, and at that officer's discretion, may impound a licensed or unlicensed dog when the dog's welfare is in question.
 - 3. An impounded dog will be placed in a shelter designated by the Town, and once there, will be confined in a humane manner for a period of not more than eight days.
 - 4. Impounding and boarding fees will be set by the impound facility, and will be payable, along with any incidental fees, before the dog is released to its owner. Said incidental fees

may include, but may not be limited to, per diem and mileage costs of the officer who impounds the dog on each occasion.

B. Interference forbidden:

No person shall interfere with, hinder or molest any animal control officer in the performance of any duty in furtherance of this ordinance, or seek release of any dog in the custody of an animal control officer.

Section 6. PENALTIES

- A. If not previously convicted of a violation under this ordinance, an owner may elect, within seven business days from the date of the citation, to pay the above specified, minimum penalty of **\$50.00** directly to the Town of West Paris at the Town Office. Upon receipt of such payment by the Town Clerk, the animal control officer that issued the citation shall cause the citation to be dismissed.
- B. Any owner convicted of violating any provisions of this ordinance shall be subject to a fine of not less than **\$50.00**, nor more than **\$100.00**, plus costs, which shall include the Town's attorney fees, for the first violation. For subsequent violations, the fine shall be no less than **\$100.00**, or more than **\$500.00**. In addition, if it deems appropriate, a court may issue a further order regarding such things as restraint, destruction or disposition of the offending dog.
- C. All fines and costs recovered by the Town of West Paris shall be put to the use and benefit of the inhabitants of the Town of West Paris in furtherance of animal control.

Section 7. VALIDITY

It is the intention of the Town that each section of this ordinance shall be deemed independent of all other sections herein. Further, it is the intention of the Town that, if any provision within this ordinance is declared invalid, all other sections shall remain valid and enforceable.

Section 8. EFFECTIVE DATE

The effective date of this ordinance is: MARCH 4, 2017

FLOODPLAIN MANAGEMENT ORDINANCE
FOR THE
TOWN OF WEST PARIS, MAINE

ENACTED: MARCH 9, 1996
Date

CERTIFIED BY: *Dian P. Stimson*
Name Dian P. Stimson

Town Clerk
Title

Affix Seal



STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE

ANGUS S. KING, JR.
GOVERNOR

March 27, 1996

EVAN D. RICHERT, AICP
DIRECTOR

Howard Gurney
Selectman
Town of West Paris
P.O. Box 247
West Paris, Maine 04289-0247

Re: Floodplain Management Ordinance

Dear Mr. Gurney:

I have completed the ordinance review checklist for the Floodplain Management Ordinance of the Town of West Paris and I find the ordinance to be compliant with the National Flood Insurance Program (NFIP). There are, however, a few items that need to be modified in the ordinance that was adopted. **These items reflect recent changes in our model ordinance and are not any fault of the community.** We are continually updating these ordinances and sometimes incorrect references get by us. They are as follows:

On page 2, Table of Contents, Article XIV. Abrogation is on page 20, not page 21.

On page 6, Article V.F. references paragraphs F, G, H, and K. (about half way down the paragraph). K should be deleted.

On page 7, Article VI.F.4. references Article VII.D. and should be changed to Article VIII.D.

On page 9, Article VI.I.1.c. should be amended to reference Article VI.H.1.a&b. The number "1" is currently missing.

On page 11, Article VII.A.1. references paragraphs F, G, H, or K. The reference to K. should be deleted.

These changes can be made by attaching an errata sheet to the inside cover of the ordinance and do not need to be formally changed.

I am forwarding a copy of the ordinance and the review checklist to the Federal Emergency Management Agency (FEMA) Regional office in Boston, and also one to the Androscoggin Valley Council of Governments.



Statement of Purpose and Intent

Certain areas of the Town of West Paris, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of Federally subsidized flood damage insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town of West Paris, 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 the attached Floodplain Management Ordinance.

It is the intent of the Town of West Paris, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

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

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FLOODPLAIN MANAGEMENT ORDINANCE

ARTICLE I - ESTABLISHMENT

The Town of West Paris, Maine elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program, established in the aforesaid Act, provides the areas of the Town having a special flood hazard be identified by the Federal Emergency Management Agency (FEMA) 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 West Paris, Maine.

The areas of special flood hazard, Zones A, A1-30, AE, AO, and AH, identified by FEMA in a report entitled "Flood Insurance Study - Town of West Paris, Maine, Oxford County", dated June 3, 1988 with accompanying "Flood Insurance Rate Map" dated June 3, 1988 is hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

Before any construction or other development (as defined in Article XIII), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Planning Board. 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 West Paris, Maine.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Planning Board and shall include:

- A. The name and address of the applicant;
- B. The address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed 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;
- E. A statement as to the type of sewage system proposed;

- F. Specification of dimensions of the proposed structure;
- G. The elevation in relation to the National Geodetic Vertical Datum (NGVD) or to a locally established datum in Zone A only, of the :
 - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zones A1-30, AE, AO, and AH from data contained in the "Flood Insurance Study - Town of West Paris, Maine", as described in Article I; or
 - b. in Zone A, to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building;
 - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
 - 3. lowest floor, including basement; and whether or not such structures contain a basement; and,
 - 4. level, in the case of non-residential structures only, to which the structure will be floodproofed;
- H. A description of a base flood elevation reference point established on the site of all new or substantially improved structures;
- I. A written certification by a registered land surveyor that the elevations shown on the application are accurate;
- J. Certification by a registered professional engineer or architect that floodproofing methods for any non-residential structures will meet the floodproofing criteria of Articles III G, 4; VI. G; and other applicable standards in Article VI.
- K. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- L. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of \$10.00 for a permit to fill with gravel and \$25.00 for a permit for any building shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

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

ARTICLE V - REVIEW OF FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Planning Board shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed building sites are reasonable safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications, the base flood data contained in the "Flood Insurance Study - Town of West Paris, Maine", as described in Article I. In special flood hazard areas where base flood elevation data are not provided, the Planning Board shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other sources, including information obtained pursuant to Article III. G. 1.b.; Article VI.J; and Article VIII.D, in order to administer Article VI of this Ordinance;
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Office of Community Development prior to any alteration or relocation of a water course;

- F. Issue 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 an application for Part II of the Flood Hazard Development Permit and shall include an Elevation Certificate completed by a registered Maine surveyor for compliance with the elevation requirements of Article VI, paragraphs F,G,H and K. Following review of the application, which review shall take place within 72 hours of the 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; and,
- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permits issued and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates and Certificates of Compliance required under the provisions of Article VII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

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

- A. New construction or substantial improvement of any structure shall:
 - 1. be designed or modified and adequately anchored to prevent floatation, collapse or lateral movement of the structure 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. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- C. All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

- D. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. All development shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of any watercourse.
- F. New construction or substantial improvement of any residential structure located within:
 - 1. Zones A1-30, AE, and AH shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
 - 2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.
 - 3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
 - a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
 - b. at least three feet if no depth number is specified.
 - 4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.G.1.b.; Article V.B; or Article VII.D.
- G. New construction or substantial improvement of any non-residential structure located within:
 - 1. Zones A1- 30, AE, and AH shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood level so that below the 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 design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard

Development Permit, as required by Article III.J and shall include a record of the elevation above mean sea level of the lowest floor including basement.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from them.
3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
 - a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
 - b. at least three feet if no depth number is specified; or,
 - c. together with attendant utility and sanitary facilities be floodproofed to meet the elevation requirements of this section and floodproofing standards of Article VI, paragraph G.1.
4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.G.1.b.; Article V.B; or Article VIII.D.

H. New or substantially improved manufactured homes located within:

1. Zones A1-30, AE, or AH shall:
 - a. be elevated on a permanent foundation so that the lowest floor is at least one foot above the base flood elevation; and,
 - b. 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 (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 (homes less than 50 feet long require four additional ties per side).

- (3) All components of the anchoring system described in Article VI.H.1 shall be capable of carrying a force of 4800 pounds.
2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from them.
3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
 - a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; and,
 - b. at least three feet if no depth number is specified; or,
 - c. meet the requirements of Article VI.H.1.(a)(b).
4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.G.1.b.; Article V.B; or Article VIII.D.

I. Recreational Vehicles located within:

1. Zones A1-A30, AH, and AE shall either:
 - a. Be on a 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. Meet the permit requirements of elevation and anchoring requirements for "manufactured home" in Article VI.H.a & b.

J. Floodways

1. In Zones A1-30 and AE encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in riverine areas, for which a regulatory floodway is designated on the community's "Flood Boundary and Floodway Map," unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. In Zones A1-30 and AE riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted 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 will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
3. In Zone A riverine areas, in which the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half- the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided meeting the requirements of Article VI, paragraph J.2.

K New Construction or substantial improvement of any structure in Zones A1-30, AE, AO, AH, and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts", or crawlspaces less than three feet in height may be enclosed below the elevation requirements provided all the following criteria are met or exceeded:

1. Walls, with the exception of crawlspaces less than three feet in height, shall not be part of the structural support of the building; and,
2. Enclosed areas are not "basements" as defined in Article XIII; and,
3. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either:
 - a. be 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 no higher than one foot above the lowest grade; and,
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of

flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means; and,

- (4) The enclosed area shall not be used for human habitation; and,
- (5) The enclosed area may be used for building maintenance, access, parking vehicles, or storing of articles and equipment used for maintenance of the building.

ARTICLE VII - CERTIFICATE OF COMPLIANCE

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

- A. The applicant shall submit an Elevation Certificate completed by:
 - 1. a registered Maine surveyor for compliance with Article VI, paragraphs F, G, H, or K; and,
 - 2. a registered professional engineer or architect, in the case of floodproofed non-residential structures, for compliance with Article VI G; and,
- B. The application for a Certificate of Compliance shall be submitted by the applicant in writing along with a completed Elevation Certificate to the Code Enforcement Officer.
- C. The Code Enforcement Officer shall review the application within 10 working days of receipt of the application and shall issue a Certificate of Compliance, provided the building conforms with the provisions of this Ordinance.

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on 5 or more 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 and, in a riverine floodplain, floodway data.
- E. Any proposed development plan shall include a statement that the developer will require that structures on lots in the development be constructed in accordance with Article VI of this ordinance and that such requirement will be included in any deed, lease, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement 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 stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE IX - APPEALS AND VARIANCES

The Board of Appeals of the Town of West Paris, Maine, may, upon written application of an aggrieved party, hear and decide appeals from determinations of the Planning Board in the administration of the provisions of this Ordinance. The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

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

- b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character or 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.
- D. Variances may be issued by a community for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
 - 1. other criteria of Article IX and Article VI-J 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 by a community for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places, without regard to the procedures set forth in Article IX, paragraphs A through D.
- F. Any applicant who meets the criteria of Article IX, paragraphs A through E shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
 - 1. The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 - 2. such construction below the base flood level increases risks to life and property; and,
 - 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

- G. The Board of Appeals shall submit to the Planning Board a report of all variance actions, including justification for the granting of the variance and an authorization for the Planning Board to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

ARTICLE X - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to 30A MRSA 4452.
- B. The penalties contained in 30A MRSA 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, or ordinance;
 3. a statement that the public body making the declaration has authority to do so and a citation to that authority;
 4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
 5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI - VALIDITY AND SEVERABILITY

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

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIII - DEFINITIONS

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

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

Area of Shallow Flooding - means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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

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

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

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

Building - see **Structure**

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

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

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

Elevated Building - means a non-basement building:

- (I) built, in the case of a building in Zones A1-30, AE, A, A99, AO, or AH, to have the top of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or "stilts"; and,
- (II) adequately anchored so as not to impair the structural integrity of the building during a flood or up to one foot above the magnitude of the base flood.

In the case of Zones A1-30, AE, A, A99, AO, or AH, Elevated Building also includes a building elevated by means of fill or solid foundation perimeter walls less than three feet in height with openings sufficient to facilitate the unimpeded movement of flood waters.

Elevation Certificate - An official form (FEMA Form 81-31, 05/93, as amended) that:

- (I) is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
- (II) is required for purchasing flood insurance.

Flood or Flooding - means:

- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature,

such as a flash flood or an abnormal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) (1) of this definition.

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

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

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

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

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

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

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

Floodway - see **Regulatory Floodway**

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

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

Functionally Dependent Use - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities,

port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or 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 - means, for purposes of this ordinance, and elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

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

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

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

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

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

100-year Flood - see **Base Flood**

Recreational Vehicle - means a vehicle which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -

- (I) means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and
- (II) in riverine areas is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Riverine - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area - see **Area of Special Flood Hazard**.

Start of Construction - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the

pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main 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, whether or not that alteration affects the external dimensions of the building.

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

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

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

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Variance - means a grant of relief by a community from the terms of a floodplain management regulation.

Violation - means the failure of a structure or development to comply with a community's floodplain management regulations.

ARTICLE XIV - ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968(P.L. 90-488, as amended).

General Assistance Ordinance

The Town/City of West Paris enacts
the following General Assistance Ordinance. This Ordinance is filed with the
Commissioner of the Department of Human Services in compliance with
Title 22 M.R.S.A. § 4305.4.

Signed the 27th day of
November, 1996,
month year

by the municipal officers:

Wade E. Rainey
James W. English
Howard E. Gurney

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ARTICLE I

Statement of Policy

The Town/City of _____ administers a program of general assistance available to all persons who are eligible to receive assistance in accordance with the standards of eligibility as provided herein and in 22 M.R.S.A. §4301 et seq.

Every effort will be made to recognize the dignity of the applicant and to encourage self-reliance. The program will help each person achieve self-maintenance and will encourage the work incentive. When possible, it will seek to alleviate needs other than financial through rehabilitative, preventive and protective services. General assistance will promote strengthening the family, especially with regard to the care and protection of children.

The general assistance program will place no restrictions on the personal rights of the applicant or recipient, nor will there be any unlawful discrimination based on sex, age, race, religion, disability or political affiliation. The applicant or recipient will be informed of his/her rights and responsibilities under the general assistance program.

The general assistance administrator will act promptly on all applications for assistance and requests for fair hearings. Within 24 hours of receiving an application, the administrator will give the applicant a written decision, whether or not assistance is granted, that will state the specific reasons for the decision. The administrator will also give the applicant written notice that the applicant may appeal to the municipal fair hearing authority if dissatisfied with the decision. When an applicant is determined to be eligible, assistance appropriate to the need will be furnished within 24 hours after the completed application is submitted except when the administrator issues non-emergency assistance conditionally on the successful completion of a workfare assignment (see section 5.6 of this ordinance).

The administrator will maintain complete and accurate records pertaining to each applicant and recipient. These records are confidential.

The administrator will post notice stating the day(s) and hours the administrator will be available. The administrator, or other designated person, will be available to take applications in the event of an emergency at all other times. A copy of this ordinance and Maine General Assistance law will be readily available to any member of the public upon request. Notice to this effect will be posted.

ARTICLE II

Definitions

Section 2.1 Common meaning of words

Unless otherwise apparent or defined, all words in this ordinance will have their common meaning.

Section 2.2 Special definitions

Applicant. A person who has submitted, either directly or through an authorized representative, an application for general assistance or who has, in an emergency, requested assistance without first completing an application. In addition, all persons on whose behalf an application has been submitted or on whose behalf benefits have been granted shall be considered applicants.

Application form. A standardized form used by the general assistance administrator for the purpose of allowing a person to apply for general assistance and confirming the fact that a person has made application. The application form must be signed by the applicant to be considered complete.

Basic necessities. Food, clothing, shelter, fuel, electricity, nonelective

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medical services as recommended by a physician, nonprescription drugs, telephone where it is necessary for medical reasons, property taxes when a tax lien placed on the property threatens the loss of the applicant's place of residence, and any other commodity or service determined essential by the municipality. "Basic necessities" do not include security deposits for rental property, except for those situations where no other permanent lodging is available unless a security deposit is paid, and a waiver, deferral or installment arrangement cannot be made between the landlord and tenant to satisfy the need for the immediate payment of the security deposit or payment in full. (22 M.R.S.A. § 4301.1).

Case record. An official file containing application forms; correspondence; narrative records and all other communications pertaining to an applicant or recipient; written decisions regarding eligibility including reasons for those decisions as well as the types and amounts of assistance provided; and all records concerning an applicant's request for fair hearing and those fair hearing decisions.

Categorical assistance. All state and federal income maintenance programs.

Claimant. A person who has requested a fair hearing.

Deficit. An applicant's deficit is the appropriate overall maximum level of assistance for the household as provided in Section 6.8 of this ordinance less the household income as calculated pursuant to section 6.7 of this ordinance, provided such a calculation yields a positive number. If the household income is greater than the appropriate overall maximum level of assistance, the household has no deficit.

Disabled person. A person who is presently unable to work or maintain a home due to a physical or mental disability that is verified by a physician.

Dwelling unit. A building or part thereof used for separate living quarters for one or more persons living as a single housekeeping unit. (22 M.R.S.A. § 4301.2).

Eligible person. A person who is qualified to receive general assistance from the municipality according to the standards of eligibility set forth in this ordinance. (22 M.R.S.A. § 4301.3).

Emergency. Any life threatening situation or a situation beyond the control of the individual which, if not alleviated immediately, could reasonably be expected to pose a threat to the health or safety of a person. (22 M.R.S.A. §§ 4301.4, 4308.2, 4310).

General assistance program. A service administered by a municipality for the immediate aid of persons who are unable to provide the basic necessities essential to maintain themselves or their families. A general assistance program provides a specific amount and type of aid for defined needs during a limited period of time and is not intended to be a continuing "grant-in-aid" or "categorical" welfare program. This definition shall not in any way lessen the responsibility of each municipality to provide general assistance to a person each time that the person is in need and is found to be otherwise eligible to receive general assistance. (22 M.R.S.A. § 4301.5).

General assistance administrator. A municipal official designated to receive applications, make decisions concerning an applicant's right to receive assistance, and prepare records and communications concerning assistance. He or she may be an elected overseer or an authorized agent such as a town manager, welfare director, or caseworker. (22 M.R.S.A. § 4301.12).

Household. "Household" means an individual or a group of individuals who share a dwelling unit. When an applicant shares a dwelling unit with one or more individuals, even when a landlord-tenant relationship may exist between individuals residing in the dwelling unit, eligible applicants may receive assistance for no more than their pro rata share of the actual costs of the shared basic needs of that household according to the maximum levels of assistance established in the municipal ordinance. The income of household members not legally liable or otherwise responsible for support-

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ing the household shall be considered as available to the applicant only when there is a pooling of income. (22 M.R.S.A. § 4301.6).

Income. "Income" means any form of income in cash or in kind received by the household including net remuneration for services performed, cash received on either secured or unsecured credit, any payments received as an annuity, retirement or disability benefits, veterans' pensions, workers' compensation, unemployment benefits, benefits under any state or federal categorical assistance program, supplemental security income, social security and any other payments from governmental sources unless specifically prohibited by any law or regulation, court ordered support payments, income from pension or trust funds, and household income from any other source, including relatives or unrelated household members.

The following items shall not be considered as income or assets which must be liquidated for the purposes of deriving income.

- 1) Real or personal income-producing property, tools of trade, governmental entitlement specifically treated as exempt assets by state or federal law;
- 2) Actual work-related expenses, whether itemized or by standard deduction, such as taxes, retirement fund contributions, union dues, transportation costs to and from work, special equipment costs and child care expenses; or
- 3) Earned income of children below the age of 16 years who are full-time students and who are not working full time.

In determining need, the period of time used as a basis for the calculation shall be a 30-day period commencing on the date of the application. This prospective calculation shall not disqualify an applicant who has exhausted income to purchase basic necessities, provided that the income does not exceed the income standards established by the municipality. (22 M.R.S.A. § 4301.7)

Just cause. A valid, verifiable reason that hinders an individual from complying with one or more conditions of eligibility. (22 M.R.S.A. §§ 4301.8, 4316-A.5)

Lump sum payment. "Lump sum payment" means a one-time or typically nonrecurring sum of money issued to an applicant or recipient after an initial application. Lump sum payment includes, but is not limited to, retroactive or settlement portions of social security benefits, workers' compensation payments, unemployment benefits, disability income, veterans' benefits, severance pay benefits, or money received from inheritances, lottery winnings, personal injury awards, property damage claims or divorce settlements. A lump sum payment includes only the amount of money available to the applicant after payment of required deductions has been made from the gross lump sum payment. A lump sum payment does not include conversion of a nonliquid resource to a liquid resource if the liquid resource has been used or is intended to be used to replace the converted resource or for other necessary expenses. The term "conversion of a non-liquid resource to a liquid resource" refers, in general, to a settlement of an insurance claim filed as a result of damaged or destroyed property. (22 M.R.S.A. § 4301.8-A).

Material Fact. A material fact is fact that necessarily has some bearing on the determination of an applicant's General Assistance eligibility, and which would, if disclosed to the administrator, have some determinable effect on the calculation of eligibility or the issuance of a grant of assistance.

Maximum levels of assistance. The amount of financial assistance for a commodity or service as established in section 6.8 of this ordinance or the actual cost of any such basic necessity, whichever is less.

Misconduct. "Misconduct" means conduct evincing such willful or wanton disregard of an employer's interest as is found in deliberate violations or disregard of standards of behavior which the employer has a right to expect of his employee, or in carelessness or negligence of such degree

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or recurrence as to manifest equal culpability, wrongful intent or evil design, or to show an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to his or her employer. (26 M.R.S.A. § 1043(23)).

Municipality. Any city, town or plantation administering a general assistance program.

Municipality of responsibility. The municipality which is liable for the support of an eligible person at the time of application. (22 M.R.S.A. §§ 4301.9, 4307).

Need. The condition whereby a person's income, money, property, credit, assets or other resources available to provide basic necessities for the individual and the individual's family are less than the maximum levels of assistance. (22 M.R.S.A. §§ 4301.10, 4308).

Net general assistance costs. Those direct costs incurred by a municipality in providing assistance to eligible persons according to standards established by the municipal officers. These do not include the administrative expenses of the general assistance program. (22 M.R.S.A. §§ 4301.11, 4311).

Period of eligibility. The time for which a person has been granted assistance. The period of eligibility may vary depending on the type of assistance provided, however, in no event shall this period extend beyond one month. (22 M.R.S.A. § 4309.1).

Pooling of income. "Pooling of income" means the financial relationship among household members who are not legally liable for mutual support in which there occurs any commingling of funds or sharing of income or expenses. Municipalities may by ordinance establish as a rebuttable presumption that persons sharing the same dwelling unit are pooling their income. Applicants who are requesting that the determination of eligibility be calculated as though one or more household members are not pooling their income have the burden of rebutting the presumed pooling of income.

Real estate. Any land, buildings, homes, mobile homes and any other things affixed to the land. (22 M.R.S.A. § 4301.13).

Recipient. A person who has applied for and is currently receiving general assistance.

Resident. A person who is physically present in a municipality with the intention of remaining in that municipality in order to maintain or establish a home and who has no other residence. A person who applies for assistance in a municipality who is not a resident of that municipality or any other municipality is the responsibility of the municipality where the person first applies. That municipality must take an application and grant assistance to the applicant if he/she is eligible, until he/she establishes a new residence in another municipality (see section 4.10). (22 M.R.S.A. § 4307).

Resources. Resources include any program, service, or other sources of support which are an alternative to or supplement for general assistance. There are two kinds of resources; available and potential. Potential resources are programs, services, non-liquid assets, or trusts which typically require people to apply in writing and/or wait a period of time before eligibility is determined or the potential income is released. Potential resources include but are not limited to any state or federal assistance program, employment benefits, governmental or private pension program, available trust funds, support from legally liable relatives, child support payments, and jointly held resources where the applicant or recipient share may be available to the individual. (22 M.R.S.A. § 4317). Potential resources include the TANF/AFDC programs, Food Stamps, fuel assistance (HEAP), subsidized housing, and similar programs.

Available resources include resources which are immediately available to the applicant or which can be conveniently secured by the applicant without delay, such as cash on hand or in bank accounts, assets for which there is an immediate and available market, or support from relatives which is being made available at the time of application and for which the applicant

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does not have to take any unreasonable steps to secure (e.g., relocation beyond the immediate region). Available resources also include the services, commodities or facilities made available by private organizations when 1) the applicant voluntarily agrees to utilize such services, 2) the municipality has established a contractual relationship with the private organization to provide services or commodities when requested, 3) the municipality is able to secure the services or commodities needed by an applicant from the private organization for any consideration acceptable to both the organization and the municipality, or 4) the service is available and offered at no cost to the applicant and deemed necessary by a physician, psychologist or other professional retraining or rehabilitation specialist. Charities may be considered private organizations which are available resources only if the charity places no unreasonable requirements on the applicant which are violative of the applicant's fundamental rights. *Fjeld v. Lewiston*, Andro. Sup. Ct. CV 87-4; *Bolduc v. Lewiston*, Andro. Sup. Ct. CV 87-248).

30-day Need. An applicant's 30-day need is the sum of the household's prospective 30-day costs, from the date of application, for the various basic necessities. For the purpose of this calculation, the 30-day cost for any basic need shall be the household's actual 30-day cost for the basic necessity or the maximum 30-day cost for the basic necessity as established by this ordinance, whichever is less.

Unmet Need. An applicant's unmet need is the household's 30-day need as established by Section 6.6 of the ordinance less the household income as calculated pursuant to Section 6.7 of this ordinance, provided such a calculation yields a positive number. If the household income is greater than the household's 30-day need, the household does not have an unmet need.

Work requirements. Work requirements are those obligations the municipal administrator places on applicants for general assistance as directed or authorized by 22 M.R.S.A. § 4316-A to the extent such obligations ensure a continuing potential eligibility for general assistance when complied with, result in disqualification when violated, and are not merely optional, discretionary, or advisory. Work requirements include registering for work, looking for work in good faith, accepting all suitable job offers, performing workfare, and participating in training, educational, or rehabilitation programs that will assist the participant in securing employment.

ARTICLE III

Administrative Rules and Regulations

The following are rules and regulations for the administration of general assistance.

Section 3.1 Confidentiality of Information

Case records and all other information relating to an applicant or recipient of general assistance are confidential and will not be disclosed to the general public, unless the applicant or recipient states in writing what information is to be released. (22 M.R.S.A. § 4306, *Janak v. D.H.S.*, Aroostook Cty #CV-89-116).

Release of information. Applicants, recipients and their legal representatives have the right to review their case records. No record will be released to a third party, however, unless the administrator receives a consent form signed by the applicant expressly authorizing the release of his/her records to the specified parties. Whenever the administrator releases any information, he/she will make a notation in the applicant's file stating to whom the record was released and the date. The administrator may charge a reasonable fee for the reproduction of any records when appropriate.

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Information from other sources; penalty. Information furnished to the municipality by the Department of Human Services or any other agency or institution pursuant to 22 M.R.S.A. § 4314, is confidential. The general assistance administrator will also comply with laws relating to the confidentiality of records concerning birth, marriage and death. 22 M.R.S.A. § 2706.

Any representative of a financial institution (except national banks) or any employer of a general assistance applicant who refuses to provide necessary information to the administrator in order to verify an applicant's eligibility must state in writing the reason for the refusal. Any such person who refuses to provide information, without just cause, may be subject to a civil penalty of not less than \$25 nor more than \$100. Any person, including the applicant, who knowingly and willfully makes a false representation of a material fact to the administrator is committing a Class E crime (22 M.R.S.A. § 4314, 4315).

Misuse of information. Misuse of any information relating to an applicant or recipient is a punishable offense. 22 M.R.S.A. § 42(2).

Section 3.2 Maintenance of records

The general assistance administrator will keep complete and accurate general assistance records (22 M.R.S.A. § 4306). These records are necessary to:

- a) provide a valid basis of accounting for municipal expenditures;
- b) document and support decisions concerning an applicant or recipient; and
- c) ensure the availability of all relevant information in the event of a fair hearing or judicial review of a decision by the general assistance administrator.

Case Records. The administrator will establish and maintain a separate case record for each applicant or recipient. Each case record will include at least the household's applications, budget sheets, information concerning the types and amounts of assistance provided, narrative statements describing the nature of the emergency situation whenever general assistance is granted in amounts greater than the applicant's mathematical eligibility (i.e., deficit or unmet need, whichever is less), written decisions, and any requests for fair hearings and the fair hearing authority decisions. Workfare participation will also be recorded, as will any cash repayments to the municipality. The record may also include any narrative writings documenting the need for general assistance, the results of home visits, collateral information, referrals, changes in status, the reason(s) for the release of confidential information, adjustments in aid, and suspension or termination of eligibility. Case records will not include information or material that is irrelevant to an applicant's or recipient's application or the administrator's decisions.

ARTICLE IV

Application procedure

Section 4.1 Right to apply

Who may apply. Anyone may apply for general assistance. The head of the family, any other responsible household member, or an authorized representative must apply in person, except in special emergency situations as provided in section 4.9 of this ordinance or except when the applicant is a resident of an emergency shelter and the municipality has made an agreement with that emergency shelter to presume shelter residents to be eligible for general assistance (22 M.R.S.A. § 4304(3)). The administrator may require a representative to present a signed statement documenting that he/she is in fact authorized to apply for general assistance on behalf of the named applicant. The applicant or representative must complete a

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written application and any other required forms so that the administrator can determine eligibility (22 M.R.S.A. §§ 4305, 4308). With notice, all members of the household receiving general assistance may be required to physically present themselves to the administrator.

Application via telephone. When a person has an emergency but is unable to apply in person due to illness, disability, lack of child care, lack of transportation or other good cause, and he/she cannot send an authorized representative, the administrator will accept an application by telephone. The telephone application process will include the administrator receiving written verification by mail or visiting the applicant's home with his/her permission (22 M.R.S.A. § 4304).

Written application upon each request. Each request for assistance will be administered in accordance with these guidelines. The administrator will make an independent determination of eligibility for general assistance each time a person applies. (22 M.R.S.A. §§ 4308, 4309).

Applications accepted; posted notice. Application forms will be available during regular business hours at the municipal office and when the general assistance administrator is conducting interviews with applicants. Notice will be posted stating when and where people may apply for assistance and the name of the administrator available to take emergency applications at all other times. In addition, the posted notice shall include the fact that the municipality must issue a written decision on all applications within 24 hours, and the Department of Human Services' toll free telephone numbers for reporting alleged violations or complaints. Completed applications will be accepted and interviews given only during the regular hours established and posted by the administrator. In an emergency, however, the administrator will be available to accept applications for assistance whenever necessary (22 M.R.S.A. § 4304).

Section 4.2 Application interview

Except when it is impractical, the general assistance administrator will interview each applicant personally before making a decision. The interview will be conducted in private, although the applicant may be accompanied by a legal representative, friend or family member.

Section 4.3 Contents of the application

At a minimum, the application will contain the following information:

- a) applicant's name, address, date of birth, Social Security number, and phone number;
- b) names, date(s) of birth, and Social Security number(s) of other household members for whom the applicant is seeking assistance;
- c) total number of individuals in the building or apartment where the applicant is residing;
- d) employment and employability information;
- e) all household income, resources, assets, and property;
- f) household expenses;
- g) types of assistance being requested;
- h) penalty for false representation;
- i) applicant's permission to verify information;
- j) signature of applicant and date.

Section 4.4 General assistance administrator's responsibilities at the time of the application

The administrator will make every effort to inform all applicants of their rights and responsibilities as well as the general program requirements associated with applying for and receiving general assistance, including application requirements, eligibility guidelines, applicant rights, and reimbursement obligations.

Application requirements. The administrator will help the applicant fill out the application form as described in the preceding section. The admin-

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istrator will inform the applicant of any other information or documentation that the applicant will have to provide in order for the administrator to evaluate the applicant's eligibility for assistance. The administrator will fully explain the purpose of any release of information form or reimbursement agreement before seeking to obtain the applicant's signature or written authorization.

Eligibility requirements. The administrator will inform the applicant of the eligibility requirements of the program, including

- the income standard of need;
- the applicant's ongoing use-of-income, work-related, and resource-related responsibilities, as described in the section immediately below;
- the financial reduction in assistance that is the consequence of spending household income on non-necessities; and
- the disqualification penalties associated with committing fraud, failing to perform work-related assignments without just cause, or failing to make a good faith effort to secure potential resources when the requirement to attempt to obtain those resources has been explained to the applicant in writing.

Applicant rights. The administrator will inform all applicants of their rights to:

- review the municipal General Assistance ordinance and Maine General Assistance law;
- apply for assistance;
- receive a written decision concerning eligibility within 24 hours of applying for assistance;
- confidentiality;
- contact the Department of Human Services;
- challenge the administrator's decision by requesting a fair hearing.

Reimbursement/Recovery. The administrator will inform the applicant that he/she must reimburse the municipality for the amount of general assistance he/she has been granted in the event of a subsequent ability to pay. In addition to seeking repayment from a recipient, the municipality also may recover the amount of assistance granted to a recipient during the previous 12 months from any relative legally liable for the applicant's support (spouses, parents of persons under the age of 25, see Article VII, Recovery of Expenses). 22 M.R.S.A. §§ 4318, 4319. Whenever applicable, the administrator will explain the various liens a municipality may place against a recipient's real or personal property, such as the mortgage or capital improvement lien, the Workers' Compensation lump sum payment lien, or the SSI "interim assistance agreement" lien, as these liens are described in Article VIII, *Recovery of Expenses*.

Section 4.5 Responsibilities of the applicant at the time of application

The applicant has the responsibility at the time of each application to provide accurate, complete and current information and verifiable documentation concerning his or her income, resources, assets, household employment, how the applicant has spent his or her income, the names and addresses of any relatives legally liable for the applicant's support, and any change in this information from a previous application that would affect his or her eligibility (22 M.R.S.A. §4309).

In addition, the applicant must accurately report and provide verifiable documentation that shows the applicant:

- a) has remained employed, if previously employed, and not quit work without just cause or been discharged from employment for misconduct;
- b) has been seeking employment, if previously unemployed or employed on a part-time basis, has accepted any suitable offer of employment, and has satisfactorily performed all workfare assignments or had just cause not to perform those assignments;

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1. The applicant must be a resident of the municipality for at least 30 days prior to the date of application for assistance. The administrator will inform the applicant of the residency requirements of the program.

2. The applicant must be a resident of the municipality for at least 30 days prior to the date of application for assistance. The administrator will inform the applicant of the residency requirements of the program.

3. The applicant must be a resident of the municipality for at least 30 days prior to the date of application for assistance. The administrator will inform the applicant of the residency requirements of the program.

4. The applicant must be a resident of the municipality for at least 30 days prior to the date of application for assistance. The administrator will inform the applicant of the residency requirements of the program.

5. The applicant must be a resident of the municipality for at least 30 days prior to the date of application for assistance. The administrator will inform the applicant of the residency requirements of the program.

6. The applicant must be a resident of the municipality for at least 30 days prior to the date of application for assistance. The administrator will inform the applicant of the residency requirements of the program.

7. The applicant must be a resident of the municipality for at least 30 days prior to the date of application for assistance. The administrator will inform the applicant of the residency requirements of the program.

8. The applicant must be a resident of the municipality for at least 30 days prior to the date of application for assistance. The administrator will inform the applicant of the residency requirements of the program.

9. The applicant must be a resident of the municipality for at least 30 days prior to the date of application for assistance. The administrator will inform the applicant of the residency requirements of the program.

10. The applicant must be a resident of the municipality for at least 30 days prior to the date of application for assistance. The administrator will inform the applicant of the residency requirements of the program.

c) has made use of all available and potential resources when directed in writing to such a program by the administrator, including, but not limited to, other government benefit programs or the assistance of liable relatives of sufficient means; and

d) has participated in any training, retraining, educational or rehabilitative program when appropriate and when directed in writing to such a program by the administrator, in order to diminish the applicant's need for general assistance (22 M.R.S.A. §§4316-A, 4317).

Section 4.6 Action on applications

Written decision. The general assistance administrator will give a written decision to the applicant concerning his/her eligibility within 24 hours after the applicant submits a written application. Assistance will be furnished to eligible applicants within that period except when the municipality is permitted by law (and pursuant to section 5.6 of this ordinance) to issue assistance conditionally on the successful completion of a workfare assignment. (22 M.R.S.A. §§ 4305, 4316-A, 4321). A written decision will be given each time a person applies, whether assistance is granted, denied, reduced or terminated.

Content. The written decision will contain the following information:

- a) the type and amount of aid the applicant is being granted or the applicant's ineligibility;
- b) the period of eligibility if the applicant is eligible for assistance;
- c) the specific reasons for the decision;
- d) the applicant's right to a fair hearing; and
- e) the applicant's right to notify the Department of Human Services if he/she believes the municipality has acted illegally. (22 M.R.S.A. § 4321).

Section 4.7 Withdrawal of an application

An application is considered withdrawn if:

- a) the applicant requests in writing that his/her application be withdrawn; or
- b) the applicant refuses to complete or sign the application or any other form needed by the general assistance administrator.

Section 4.8 Temporary refusal to accept application

Under special circumstances, the general assistance administrator may temporarily refuse to accept applications for 24 hours. Such circumstances may include, but are not limited to, the following:

- a) when the applicant's conduct is abusive, disruptive, or harassing, or when the applicant is under the influence of drugs or alcohol. In these situations, the applicant will be asked to leave, and if the applicant refuses to leave, the police may be summoned. The applicant will be informed that an application will be accepted when his/her conduct is under control;
- b) when a third person applies for assistance on behalf of the applicant. That person may be required to provide written verification that he/she has been duly authorized to act as a representative for the applicant (22 M.R.S.A. § 4308).

Section 4.9 Emergencies

An emergency is considered to be any life threatening situation or a situation beyond the control of the applicant which if not alleviated immediately could reasonably be expected to pose a threat to the health or safety of the applicant or a member of the household. (22 M.R.S.A. § 4301.4). Although they may be considered otherwise ineligible to receive general assistance, persons who apply for assistance to alleviate an emergency will be granted assistance, except as provided below, if they do not have sufficient income and resources to meet an actual emergency need and have not had sufficient income and resources to avert the emergency. 22 M.R.S.A. § 4308.

Disqualification. A person who is currently disqualified from receiving

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General Assistance due to a violation of sections 5.5, 5.6, 5.7, or 6.4 of this ordinance is ineligible to receive emergency assistance (22 M.R.S.A. § 4308.2(A)). Dependents of a disqualified person may be eligible for assistance. For the purposes of this section, "dependents" are defined as: 1) a dependent minor child; 2) an elderly, ill or disabled person; or 3) a person whose presence is required to provide care for any child under the age of 6 years or any ill or disabled member of the household (22 M.R.S.A. § 4309.3). In the event one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated as though the household is comprised of the dependents only, except that all household income will be considered available to them.

Assistance prior to verification. Whenever an applicant informs the administrator that he/she needs assistance immediately, the administrator will grant, pending verification, the assistance within 24 hours, provided that:

- a) after interviewing the applicant the administrator has determined that the applicant will probably be eligible for assistance after a verification of information is completed; and
- b) the applicant submits documentation when possible, to verify his/her need.

The administrator may contact at least one other person to confirm the applicant's statements about needing emergency assistance. No further assistance will be authorized until the applicant's eligibility is confirmed (22 M.R.S.A. § 4310).

Telephone applications. If a person has an emergency need and cannot apply in person due to illness, disability, lack of transportation, lack of child care, or other good cause, and if there is no authorized representative who can apply on behalf of the applicant, the administrator will accept an application over the telephone.

The administrator will not grant any assistance as the result of a telephone application if the applicant refuses to allow the administrator to verify the information either by visiting his/her home or by mail and the administrator cannot determine his/her eligibility through any other means.

Limitation on emergency assistance. Applicants are not automatically eligible for emergency assistance. If applicants had income which could have been used to prevent all or part of an emergency, but they spent that income on items which are not basic necessities, they will not be eligible to receive general assistance to replace that money. Applicants have the responsibility to provide the administrator with verifiable documentation demonstrating that the applicant did not have sufficient income to avert the emergency situation. According to the following criteria, the administrator may limit emergency assistance to cover only the difference between the amount of money necessary for the household to avoid the emergency and the amount of income available to the household during the applicable time period.

a) The applicable time period shall be the 30 days preceding the application for emergency assistance, except in those cases where the emergency was created by a negative account balance for a commodity or service (such as rent, mortgage or utility payments), and the negative account balance was created over a longer period of time. In such cases, the applicable time period shall be the consecutive length of time the account balance has been in the negative.

b) The administrator shall seek from the applicant all information pertinent to the applicant's ability to provide for his or her basic necessities for the applicable time period, including evidence of all income and resources received over that period of time.

c) The administrator shall calculate all costs for the household's basic necessities during the applicable time period, per month, in accordance with the maximum levels established by this ordinance for the specific basic

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necessities or the actual monthly cost, whichever is less, including all costs associated with averting the particular emergency situation for which the applicant is seeking assistance.

d) From the total household costs for basic necessities during the applicable time period, the administrator shall subtract the total income and lump sum payments available to the household for the applicable time period as well as the total general assistance actually received during the applicable time period.

e) The administrator may restrict the issuance of emergency assistance to the difference yielded by the computation in subsection (d), even when such a grant will not totally alleviate the emergency situation.

f) The administrator may waive this limitation on emergency assistance in life threatening situations or for first time applicants; that is, persons who have never before applied for general assistance.

g) Nothing in these criteria may be construed as prohibiting a municipality from electing to alleviate an emergency situation in the most cost-effective manner available, provided such a determination of eligibility for emergency assistance is in conformance with general assistance law.

Section 4.10 Residence

The administrator shall provide general assistance to all eligible persons applying for assistance who are residents of this municipality. A resident is a person who has no other residence and is physically present in this municipality and who intends to remain here and establish a household.

The municipality also recognizes its responsibility to provide assistance to eligible persons who apply here and who are not residents of this municipality or any other municipality. If a person who is not a resident of any municipality applies in this municipality first, the administrator will determine his/her eligibility and, if eligible, will grant assistance until he/she establishes a residence in another municipality (22 M.R.S.A. § 4307).

Moving/relocating. The municipality will not consider moving or transporting an applicant or recipient into another municipality unless the person requests assistance to relocate to another municipality. If the administrator determines the applicant is eligible and grants financial assistance to help with the requested relocation, this municipality will be responsible for providing assistance to the applicant for 30 days after he/she moves provided the recipient remains eligible.

Institutions. If a resident of this municipality enters an institution located in another municipality (such as a group home, shelter, rehabilitation center, nursing home, or hospital) and requests assistance while at the institution, he/she will be the responsibility of this municipality for up to 6 months after he/she enters the institution. The municipality thereafter retains responsibility for an applicant in an institution only if the applicant has maintained a home in this municipality to which he/she intends to return. The municipality also recognizes its responsibility for applicants residing in an institution in this municipality if such an applicant had no residence prior to entering the institution. (22 M.R.S.A. § 4307.4).

Temporary Housing. Hotels/motels and similar places of temporary lodging are considered institutions (see above) if the municipality grants financial assistance for, makes arrangements for, or advises or encourages an applicant to stay in temporary lodging. [Note: municipalities which illegally deny housing assistance and, as a result of the denial, the applicant stays in temporary lodging are responsible for the applicant for up to 6 months and may be subject to other penalties. (22 M.R.S.A. 4307.4).]

Disputes. When the administrator believes that an applicant is a resident of another municipality but that municipality disputes its responsibility the administrator will notify the Department of Human Services in Augusta (287-3654 or 1-800-442-6003). If the applicant applies in this municipality first, the administrator will determine his/her eligibility and, if eligible, will grant assistance until the Department has concluded which

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municipality is responsible for providing assistance. If another municipality was responsible, the Department will recover the amount due from the other municipality. (22 M.R.S.A. §§ 4307.5, 4307.6).

ARTICLE V

Eligibility factors

A person will be eligible for general assistance if he/she is in need and has complied with the eligibility requirements set forth below.

Section 5.1 Initial application

Initial application. For initial applicants, except as provided immediately below, need will be the sole condition of eligibility. The exception to this general rule, as provided by law, applies to all applicants, including initial applicants, who are disqualified for a defined period for quitting employment without just cause or for being discharged from employment for misconduct (22 M.R.S.A. § 4316-A(1-A), see section 5.5)). An initial applicant is a person who has never before applied for general assistance in any municipality in Maine (22 M.R.S.A. § 4308.1).

"Need" means that the applicant's income (including pro-rated income, where applicable), property, credit, assets or other resources are less than the overall maximum level of assistance contained in section 6.8 of this ordinance or the applicant's 30-day need, whichever is less, and he/she does not have adequate income or other resources available to provide basic necessities.

Subsequent applicants. Persons who are not initial applicants are repeat applicants. Repeat applicants are people who have applied for general assistance at any time in the past. Repeat applicants are also people on whose behalf a general assistance application was made at any time in the past, provided that at such a time the applicant was not a dependent minor in the household. For repeat applicants to be eligible for general assistance, they must be in need and meet all other eligibility requirements. The eligibility of repeat applicants may also be adversely affected to the extent they have not used their income and resources to secure basic necessities.

Section 5.2 Eligibility for categorical assistance

Receipt of categorical assistance will not disqualify a person from receiving general assistance if the applicant is otherwise eligible. Benefits received from other assistance programs will be considered as income when determining need, with the exception of Food Stamps, which will not be counted as income or resources or otherwise taken into consideration when determining need (7 U.S.C. § 2017 (b)). Also, any fuel assistance (HEAP/ECIP) received by an applicant will not be considered as income or a resource; that is, the administrator will always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid all costs associated with his or her fuel needs. (42 U.S.C. § 8624(f)). The calculation of general assistance for heating energy needs when an applicant has received HEAP or ECIP shall be accomplished in accordance with subsection (c) under *Types of Income* at section 6.6 of this ordinance.

Applicants or recipients must apply for other program benefits within 7 days after being advised in writing to do so by the general assistance administrator. Persons who, without just cause, make no good faith effort to obtain a potential resource will be disqualified from receiving assistance until they make a good faith effort to obtain the benefit (22 M.R.S.A. § 4317).

Section 5.3 Personal property

a) Liquid assets. No person owning assets easily convertible into cash, including but not limited to, bank deposits, stocks, bonds, certificates of

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1. The Department will recover the amount due from the other municipality.

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deposit and other marketable security, will be eligible for general assistance unless and until he or she uses these assets to meet his/her basic needs, and thereby exhausts them.

b) Tangible assets. No person owning or possessing personal property consisting of more than one motor vehicle, or a boat, trailer, recreation vehicle or other assets that are convertible into cash and are non-essential to the maintenance of the applicant's household will be eligible for general assistance. Exceptions may be made when a person is making an initial application or when reasonable efforts to convert assets to cash at fair market value are unsuccessful.

Tools of a trade, livestock, farm equipment and other equipment used for the production of income are exempt from the above category and are not considered available assets.

c) Automobile ownership. Ownership of one automobile per household will not make a person ineligible for assistance if such vehicle is essential for transportation to employment, medical care, rehabilitation or training facilities, or if it is essential to the maintenance of the applicant's household. Recipients of general assistance who own an automobile with a market value greater than \$5000 may be required, with written, 30-day notice, to make a good faith effort to trade that automobile in to a reputable automobile dealer for an automobile with a market value of less than \$5000. Any income received by the applicant by virtue of such a trade down must be used for his/her basic necessities. Failure to liquidate or trade down the excess value of any automobile asset can result in disqualification. (22 M.R.S.A. § 4317). The municipality will neither pay nor consider as necessary expenses any car payment for which the applicant is responsible. General assistance for travel-related needs shall be computed in accordance with section 6.8(f)(6 and 7) *Travel/work related expenses*.

d) Insurance. Insurance that is available to an applicant on a non-contributory basis or that is required as a condition of employment will not be a factor in determining eligibility for general assistance. Life insurance with a cash surrender value may be considered as a tangible asset when an applicant has received assistance for 4 weeks or more after an application for assistance.

e) Transfer of property. Applicants who transfer assets for less than fair market value to someone else solely for the purpose of establishing eligibility for general assistance will not be granted general assistance to replace the uncompensated value of the transferred asset. Assistance will be denied within a 120-day limit up to the uncompensated value of the asset which was transferred unless the transfer of asset is fraudulently misrepresented, in which case a 120-day disqualification will issue. There will be a presumption that the applicant transferred his/her assets in order to be eligible for general assistance whenever property is sold for less than the fair market value or when the transfer occurred within 30 days prior to applying for general assistance unless the applicant can demonstrate the existence of an arms-length transaction.

Section 5.4 Ownership of real estate

If the applicant or dependents own real property other than that occupied as the principal home, continued eligibility will depend on the applicant making a reasonable effort to:

- a) dispose of the property at fair market value in order to convert the property into cash which can be applied toward meeting present need; or
- b) obtain a loan against such property which may be used to meet present need. Applicants who transfer their excess property to a third party in order to become eligible for general assistance will be ineligible.

If an applicant is granted assistance in the form of a mortgage payment or capital improvement payment, the municipality may claim a lien against the property. The lien shall not be enforceable until the time of sale of the

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property or upon the death of the recipient (22 M.R.S.A. § 4320, see also section 6.8).

Section 5.5 Work requirement

All general assistance recipients are required to register for work, look for work, work to the extent of available employment, and otherwise fulfill the work requirements, unless the applicant is exempt from such requirements as provided below.

Employment; rehabilitation. All unemployed applicants and members of their households who are 16 years of age or older will be required to accept any suitable job offer or opportunity for rehabilitative services, except as provided below (see *Exemptions*). Applicants must demonstrate to the administrator that they are available for work and are actively seeking employment.

A "suitable job" means any job which the applicant is mentally and physically able to perform. "Available for work" means that applicants must make themselves available for work during normal business hours prevailing in the area, and show that no circumstance exists which would prevent them from complying with the work requirement.

Verification. Unemployed applicants or applicants employed on a part-time basis will be required to provide verifiable documentation of their pursuit of employment at the time of each application. At a minimum, such documentation shall consist of a list of the employers contacted, the date and time of the application contact, and the name of the employer representative contacted. "Pursuit of employment" means actually submitting a written application or applying for a job in person when reasonable, or submitting a written application or letter of inquiry to employers. For the duration of any repeat applicant's period of unemployment or partial employment, the administrator will establish the number of employers per week to whom each non-exempt applicant shall be required to apply in order to fulfill his or her work search requirements. The number of weekly employer contacts required by the administrator shall be reasonably related to the number of potential employers in the region and the number of hours in the week the applicant has available for work search activities after considering all time the applicant must devote to existing employment obligations, workfare obligations, and required classroom or on-site participation in job training, educational, or rehabilitation programs. Fulfillment of these requirements will not be expected at the time of the initial application, but will be a condition of eligibility for subsequent assistance.

Disqualification. After being granted assistance at the time of initial application, applicants will be considered ineligible for further assistance for 120 days if they, without just cause;

- a) refuse to register for employment with the Maine Job Service;
- b) refuse to search diligently for employment when the search is reasonable and appropriate. Recipients who unreasonably seek work at the same places repeatedly will not be considered to be performing a diligent worksearch and will be disqualified.
- c) refuse to accept a suitable job offer;
- d) refuse to participate in an assigned training, education or rehabilitation program that would assist the applicant in securing employment;
- e) fail to be available for work;
- f) refuse to participate or participate in a substandard manner in the municipal work program (see section 5.6).

Disqualification for job quit or discharge for misconduct. No applicant, whether an initial or repeat applicant, who has quit his or her full-time or part-time job without just cause or who has been discharged from employment for misconduct will be eligible to receive general assistance of any kind for a 120-day period from the date of separation from employment (22 M.R.S.A. §§ 4301.8, 4316-A (1-A)).

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Just Cause. Applicants will be ineligible for assistance for 120 days if they refuse to comply with the work requirements of this section without just cause. With respect to any work requirement, just cause will be considered to exist when there is reasonable and verifiable evidence that:

- a) the applicant has a physical or mental illness or disability which prevents him/her from working;
- b) the work assignment pays below minimum wages;
- c) the applicant was subject to sexual harassment;
- d) the applicant is physically or mentally unable to perform required job tasks, or to meet piece work standards;
- e) the applicant has no means of transportation to or from work or a training or rehabilitation program;

f) the applicant is unable to arrange for necessary child care or care of ill or disabled family members;

g) any reason found to be good cause by the Maine Department of Labor, or any other verifiable reason which the administrator considers reasonable and appropriate will be accepted as just cause. (22 M.R.S.A. § 4316-A.5).

Applicant's burden of establishing just cause. If the administrator finds that the applicant has violated a work-related rule without just cause, it shall be the responsibility of the applicant to establish the presence of just cause (22 M.R.S.A. § 4316-A).

Eligibility regained. Persons who are disqualified for 120 days because they violated a work requirement may regain their eligibility if and only when they become employed or otherwise satisfy the administrator that they are complying with the work requirement by fulfilling the work requirement or requirements they violated.

For the purpose of regaining eligibility by becoming employed, "employment" shall mean employment by an employer as defined in 26 M.R.S.A. §§ 1043 et seq., or the performance of a service for an employer who withholds from the employee a social security tax pursuant to federal law.

The special provisions regarding the opportunity to regain eligibility after a disqualification for workfare violations are detailed in section 5.6 of this ordinance, under *Eligibility Regained*.

Dependents. Failure of an otherwise eligible person to comply with the work requirements shall not affect the eligibility of any member of the person's household who is not capable of working, including:

- a) a dependent minor child;
- b) an elderly, ill, or disabled person; and
- c) a person whose presence is required in order to provide care for any child under 6 years of age or for any ill or disabled member of the household (22 M.R.S.A. § 4309.3). In the event one (or more) member(s) of a household is disqualified and assistance is requested for those remaining members of the household who are dependents, the eligibility of those dependents will be calculated as though the household is composed of the dependents only, except that all household income will be considered as available to them.

Exemptions. The above work requirements do not apply to any person who is elderly, physically or mentally ill, or disabled. Any person whose presence is required to care for any pre-school age child or for any ill or disabled member of the household is also exempt from these requirements.

The requirements of this section will not be imposed so as to interfere with an applicant's existing employment, ability to pursue a bona fide job offer, ability to attend an interview for possible employment, classroom participation in a primary or secondary educational program intended to lead to a high school diploma, classroom or on site participation in a training program which is either approved by the Department of Labor or determined by the Department of Labor to be expected to assist the applicant in securing employment, or classroom participation in a degree-granting program

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operated under the control of the Department of Human Services or Department of Labor.

Section 5.6 Municipal Work Program

Each applicant and any member of the household who is capable of working may be required to perform work for the municipality, including work for a non-profit organization, as a condition of receiving assistance (22 M.R.S.A. § 4316-A.2). As part of the municipal work program, the municipality can require recipients to participate in training, education, or rehabilitative programs that will assist the recipient in securing employment. The work requirement provisions found in section 5.5 regarding *just cause*, *dependents*, and *exemptions* also apply to the municipal workfare program.

Consent. Persons assigned to the work program are required to sign a form stating that they understand the requirements of general assistance and the work program. Prior to signing the form, the administrator will read it to the applicants or the applicants will read it themselves. The form will also state the number of hours the applicants must work and the hourly rate by means of which the duration of the work assignment is calculated. In addition, the consent form shall describe the consequences of failing to adequately perform part or all of the workfare or workfare-first assignment.

Limitations. The work requirement is subject to the following limitations. (22 M.R.S.A. § 4316-A.3).

1) No person shall, as a condition of eligibility, be required to do any amount of work that exceeds the value of the net general assistance that the person receives under municipal general assistance standards. Any person performing work under this subsection shall be provided with net general assistance, the value of which is calculated at a rate of at least the prevailing minimum wage under state or federal law. (*Note:* The federal minimum wage is \$4.75/hour as of October 1, 1996, and shall be increased to \$5.15/hour on September 1, 1997.)

2) No workfare participant shall be required to work for a nonprofit organization if that work would violate the participant's basic religious beliefs;

3) In no case shall eligible persons performing work under this subsection replace regular municipal employees.

4) In no case will work performed under this subsection interfere with an eligible person's:

- a) existing employment
- b) ability to follow up on a bona fide job offer;
- c) attendance at an interview for possible employment;
- d) classroom participation in a primary or secondary educational program intended to lead to a high school diploma; or
- e) classroom or on site participation in a training program which is approved by the Department of Labor or determined by the Department of Labor to be reasonably expected to assist the person in securing employment, or classroom participation in a degree-granting program operated under the control of the Department of Human Services or the Department of Labor.

5) In no case may an eligible person be required to work more than 40 hours per week. An eligible person who has full or part-time employment shall be exempt from the work requirement to the extent that the work requirement in combination with his/her regular employment would result in the person working more than 40 hours per week.

6) In no case will an eligible person be required to perform work beyond his/her capabilities. However, when an illness or disability is claimed, an eligible person may be required as a condition of receiving assistance to present a doctor's statement detailing the extent of the disability or illness (22 M.R.S.A. § 4309).

If the administrator requires a doctor's statement to verify an applicant's illness or disability, the municipality will pay for the doctor's evaluation if the

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applicant has no means to pay for the exam, however in such a case the administrator will choose the doctor. The administrator will not require verification of medical conditions which are apparent or which are of such short duration that a reasonable person would not ordinarily seek medical attention (22 M.R.S.A. § 4316.5).

7) In no case may an eligible person with an immediate need (i.e., a person in an emergency situation who has not been disqualified from receiving assistance for committing a program violation) be required to perform work under this subsection prior to receiving general assistance. The administrator shall meet immediate needs upon receiving written assurance from the eligible person that he/she is willing to work to maintain eligibility for general assistance. When the recipient has no immediate need, workfare participation may be required prior to receiving general assistance in accordance with the following "workfare first" policy.

"Workfare first" policy. Under the authority of 22 M.R.S.A. § 4316-A(2)(D), the administrator may, in accordance with the following guidelines, require a recipient of general assistance to perform a workfare assignment prior to the actual issuance of the general assistance benefit conditionally granted.

1) In no circumstance will *emergency* general assistance for which an applicant is eligible be withheld pending the satisfactory performance of workfare.

2) All workfare participants under this policy will be provided a written decision, as otherwise required by law, within 24 hours of submitting an application for general assistance and prior to performing any workfare for the municipality associated with that request for assistance. That written decision must include:

- a) a specific description of the amount of general assistance being conditionally granted to the household, and for which basic needs;
- b) the period of eligibility for which the general assistance grant is being issued (in days or weeks, but not to exceed 30 days);
- c) the rate, at a dollar-per-hour basis (but not less than the prevailing minimum wage), upon which the duration of the workfare assignment is calculated;
- d) the actual duration of the workfare assignment that must be performed, in hours, before the general assistance grant will be actually issued;
- e) the specifics of the workfare assignment(s), including the general nature of the type of work being assigned, location(s) of work-site, date(s) and time(s) of assigned workfare, workfare supervisors' names and contact telephone numbers, and
- f) any other pertinent information related to the workfare assignment(s) the recipient will be expected to perform.

3) As previously provided in this section, all workfare participants under this policy must sign a consent form that informs the participant of his or her workfare-related rights and responsibilities, including the consequences of failing to perform all or part of the workfare assigned without just cause.

4) In addition to any disqualification penalty that may apply, the consequences of refusing to perform or completely failing to perform the workfare assignment, without just cause, or performing the entire workfare assignment below the average standards that job without just cause, will be the termination of the entire general assistance grant. Notice of the grant termination will be provided the workfare participant in accordance with section 6.9 of this ordinance.

5) If some of the workfare-first assignment is satisfactorily performed but there has been a failure to perform the remainder of the assignment, without just cause, the administrator shall issue a grant of general assistance in the amount of the number of workfare hours satisfactorily performed times the hourly rate used to calculate the duration of the workfare assignment. In

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addition to any disqualification penalty that may apply, the remaining value of the conditionally issued general assistance grant shall be terminated, and notice of the partial termination, and the reasons therefore, will be issued to the workfare participant in accordance with section 6.9 of this ordinance.

6) Any amount of the workfare assignment that is not performed because the workfare participant was temporarily unable to perform the assignment for just cause reasons shall be reassigned.

Work-related expenses. A participant's expenses related to work performed under this section will be added to the amount of net general assistance to be provided to the person (22 M.R.S.A. § 4316.2(E)). The municipality will provide any special clothes or equipment the recipient needs to perform his/her work assignment.

Disqualification. Any person who willfully fails to perform or willfully performs below average standards the work assigned by the municipality, without just cause, will be ineligible for assistance for 120 days. (22 M.R.S.A. § 4316-A.1). As soon as the administrator knows that a recipient failed to fulfill the work assignment, the administrator will notify the recipient in writing that he/she is disqualified for 120 days unless the recipient can show just cause. The burden of demonstrating a just cause failure to perform a workfare assignment falls on the workfare participant.

Eligibility regained. Recipients who are disqualified from receiving assistance because they have violated the requirements of the municipal work program may regain their eligibility under the following conditions.

Recipients who fail to complete the first municipal work assignment they have been given will be disqualified from receiving assistance during the next 120 days, although dependents in the household may be eligible (see Sec. 5.5, *Dependents*).

If during the 120-day disqualification period the recipient requests an opportunity to perform the work assignment which he or she, without just cause, failed to perform, the disqualified recipient will be given an opportunity to regain eligibility. The administrator will give the recipient a work assignment as soon as possible. If under such a set of circumstances the recipient has an emergency need and the administrator is unable to schedule a work assignment in time to alleviate the emergency, the administrator will provide sufficient assistance to the recipient to avert the emergency, but the provision of such emergency assistance will not bar the administrator from subsequently enforcing the 120-day disqualification if the recipient fails to regain eligibility by satisfactorily performing the work assignment. The amount of emergency assistance granted will be considered in the computation of the total number of hours the recipient must work.

Recipients who have asked to regain their eligibility during a 120 day disqualification period and who agreed to fulfill the assignment which they previously failed to perform and who, without just cause, fail to fulfill their municipal work assignment will be considered to have acted in bad faith. In such a circumstance, the administrator will enforce the 120-day disqualification for the term of its initial duration.

If a workfare participant regains eligibility under this section but is subsequently disqualified within the initial 120-day period of disqualification for failing to comply with the municipal work program, that participant will be ineligible for a new 120-day period beginning with the new disqualification date, but with no opportunity to requalify.

Any recipient who intentionally causes damage to property or harms other employees by his/her actions and is discharged by the work supervisor will not be entitled to regain eligibility by returning to the work program. Eligibility may be regained by otherwise becoming employed and meeting the definition of need.

Reports. The administrator will itemize the assistance that has been

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provided to persons who work for the municipality in reports to the Department of Human Services (22 M.R.S.A. § 4316-A.2).

Section 5.7 Use of resources

Each applicant has the responsibility to make a good faith effort to utilize every available or potential resource which may reduce his/her need for general assistance (see definition of Resources). People who refuse or fail to make a good faith effort to secure a potential resource after receiving written notice to do so are disqualified from receiving assistance until they make an effort to secure the resource. Applicants are required to prove that they have made a good faith effort to secure the resource (22 M.R.S.A. § 4317).

Minors. A minor under the age of 18 who has never married and is applying independently for general assistance and who is pregnant or has a dependent child or children will be eligible to receive general assistance only if the minor is residing in the home of his or her parent, legal guardian or other adult relative, in which case the entire household will be evaluated for eligibility. Exceptions to this limitation on eligibility will be made when:

1) the minor is residing in a foster home, maternity home, or other adult-supervised supportive living arrangement; or

2) the minor has no living parent or the whereabouts of the both parents are unknown; or

3) no parent will permit the minor to live in the parent's home; or

4) the minor has lived apart from both parents for at least one year before the birth of any dependent child; or

5) the Department of Human Services determines that the physical or emotional health or safety of the minor or the minor's dependent child or children would be jeopardized if the minor and his or her child or children lived with a parent; or

6) the Department of Human Services determines, in accordance with its regulation, that there is good cause to waive this limitation on eligibility. (22 M.R.S.A. § 4309.4).

Any person under the age of 25 who is applying independently from his/her parents for general assistance will be informed that until he or she reaches the age of 25, the applicant's parents are still legally liable for his/her support and the municipality has the right to seek recovery from the parents of the cost of all assistance granted to such a recipient to the extent his/her parents are financially capable of repaying the municipality. (22 M.R.S.A. § 4319). With regard to any such application, the municipality may seek verification of the applicant's need for general assistance by contacting his/her parents. If the applicant's parents declare a willingness to provide the applicant with his/her basic needs directly, and there is no convincing evidence that the applicant would be jeopardized by relying on his/her parents for basic needs, the administrator may find the applicant to be in no need for general assistance for the reason that his/her needs are being provided by a legally liable relative.

Mental or physical disability. Any applicant who has a mental or physical disability must make a good faith effort to utilize any medical or rehabilitative services which have been recommended by a physician, psychologist or other professional retraining or rehabilitation specialist when the services are available to the applicant and would not constitute a financial burden or create a physical risk to the individual.

Written notice; disqualification. The administrator will give each applicant written notice whenever the applicant is required to utilize any specific potential resources. Any applicant who refuses to utilize such potential resources, without just cause, after receiving written 7-day notice will be ineligible for further assistance until he/she has made a good faith effort to utilize the resources.

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1. The first part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation $f(x) = \int_0^x f(t) dt$. It is shown that $f(x)$ is a continuous function and that $f(0) = 0$. The second part of the paper is devoted to the study of the properties of the function $g(x)$ defined by the equation $g(x) = \int_0^x g(t) dt$. It is shown that $g(x)$ is a continuous function and that $g(0) = 0$.

the individual who
knows the system, or the
related individuals who
share the system, and
the technology used to
create the system. The system
includes both the structure
and the content of the system.

[illegible]

As the number of nodes in the network increases, the number of nodes that are not connected to any other nodes (isolated nodes) increases. This is because the probability of a node being connected to another node decreases as the number of nodes increases. The number of isolated nodes is given by $n(1-p)^{n-1}$, where n is the number of nodes and p is the probability of a node being connected to another node. As n increases, $(1-p)^{n-1}$ decreases, and the number of isolated nodes increases.

The first two studies were conducted in the United States, and the third was conducted in the United Kingdom. The first study was a cross-sectional survey of 1,000 U.S. adults, and the second was a longitudinal survey of 1,000 U.S. adults. The third study was a cross-sectional survey of 1,000 U.K. adults. The results of the first two studies showed that the majority of U.S. adults (70%) had used a mobile phone in the past 12 months, and the majority of U.S. adults (60%) had used a mobile phone in the past 6 months. The results of the third study showed that the majority of U.K. adults (70%) had used a mobile phone in the past 12 months, and the majority of U.K. adults (60%) had used a mobile phone in the past 6 months.

Determination of Eligibility

Any determination or investigation into an applicant's eligibility will be conducted in a manner that will not violate the applicant's privacy or personal dignity or violate his/her individual rights.

The administrator will make an individual, factual determination of eligibility each time a person applies or reapplies for general assistance.

The administrator will make a redetermination of eligibility at least monthly but may do so as often as necessary to administer the program efficiently and meet the needs of the applicants. Upon any application, the administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis, but may elect to disburse that applicant's assistance periodically, e.g., weekly, throughout a 30-day period of eligibility pursuant to that initial eligibility determination.

The administrator may redetermine a person's eligibility at any time during the period he/she is receiving assistance if the administrator is notified of any change in the recipient's circumstances that may alter the amount of assistance the recipient may receive. Once a recipient has been granted assistance, the administrator may not reduce or rescind the grant without giving prior written notice to the recipient explaining the reasons for the decision and offering the recipient an opportunity to appeal the decision to the fair hearing authority (22 M.R.S.A. § 4309).

Section 6.3 Verification

Applicant's responsibility. Each applicant and recipient has the responsibility at the time of application and continuing thereafter to provide complete, accurate and current information and documentation concerning his/her need, income, use of income, expenses, and any changes in information previously reported on the application. The administrator will require documentation of the applicant's income, use of income, assets and resources plus actual bills and receipts for rent, utilities, fuel, telephone, medical services and other basic necessities that are reasonably obtainable. The recipient is responsible for notifying the administrator of any changes in his/her household or income that may affect his/her eligibility.

When determining an applicant's eligibility, the administrator will seek all necessary information first from the applicant. Information needed from other sources, with the exception of public records, will be gathered only with the knowledge and consent of the applicant (22 M.R.S.A. § 4309.1-B).

Decision. If an applicant does not have the necessary information at the time of application, the administrator will give the applicant the opportunity to provide the information prior to the expiration of the 24 hour period within which the administrator must act on the application. Except when assistance is conditionally granted pursuant to this municipality's workfare-first policy (see section 5.6), if all the necessary information has been provided and the applicant is eligible, assistance will be granted. If the applicant does not provide the required information needed within the 24 hour period, and the administrator cannot determine the applicant's eligibility, the applicant will be denied assistance for that reason (22 M.R.S.A. § 4309.1-B).

Denial of assistance. The administrator will not grant assistance to any applicant who refuses to supply necessary information and documentation concerning his/her needs, income and other resources, or who refuses to grant permission for the administrator to contact other persons to verify the information. If the administrator has attempted to verify the information but is unable to determine if the applicant is eligible because the applicant has refused to provide or allow the administrator to verify the necessary information, the applicant will be denied assistance until the necessary verification has been accomplished (22 M.R.S.A. § 4309.1-B).

Right to verify. It is the administrator's responsibility to determine and verify the eligibility of each applicant. The administrator may seek and verify information from all appropriate sources including, but not limited to: the Department of Human Services and any other department of the state having information that has a bearing on an applicant's eligibility, financial institutions, employers, landlords, physicians, and legally liable relatives. The administrator will request the applicant's written consent authorizing the administrator to receive the necessary information (22 M.R.S.A. § 4314).

Penalty for refusing to release information. Any person governed by 22 M.R.S.A. § 4314 who refuses to provide necessary information to the

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administrator after it has been requested must state in writing the reasons for the refusal within 3 days of receiving the request. Any such person who refuses to provide the information, without just cause, commits a civil violation and may be subject to a fine of not less than \$25 nor more than \$100 which may be adjudged in any court of competent jurisdiction. Any person who willfully renders false information to the administrator is guilty of a Class E crime (22 M.R.S.A. §§ 4314.5, 4314.6, 4315).

Section 6.4 Fraud

It is unlawful for a person to make knowingly and willfully a false representation of a material fact to the administrator in order to receive general assistance or cause someone else to receive general assistance. (22 M.R.S.A. § 4315). False representation shall consist of any individual knowingly and willfully:

- a) making a false statement to the general assistance administrator, either orally or in writing, in order to obtain assistance to which the applicant or the applicant's household is not entitled;
- b) concealing information from the general assistance administrator in order to obtain assistance to which the applicant or applicant's household is not entitled; or
- c) using general assistance benefits for a purpose other than that for which they were intended.

No person may be denied assistance solely for making a false representation prior to being given an opportunity for a fair hearing.

Period of ineligibility. When the general assistance administrator finds that a person has knowingly and willfully misrepresented material facts for the purpose of making himself or herself eligible for general assistance, the administrator shall notify that applicant in writing that he or she has been disqualified from receiving assistance for 120 days. For the purpose of this section, a material misrepresentation is a false statement about an eligibility factor in the absence of which some or all of the assistance would not be or would not have been granted. The notification of disqualification issued by the administrator shall inform the applicant of his/her right to appeal the administrator's decision to the fair hearing authority within 5 working days of receipt. The period of ineligibility shall commence on the day following the end of the period covered by the grant of assistance fraudulently received or upon the date of notification of disqualification, whichever is later.

Right to a fair hearing. Any applicant who is denied assistance for making a false representation will be afforded the opportunity to appeal the decision to the fair hearing authority in accordance with Article VII of this ordinance. No recipient shall have his/her assistance reduced or revoked during the period of eligibility before being notified and given the opportunity to appeal the decision. Any person who is dissatisfied with the decision of the fair hearing authority may appeal that decision to the Superior Court pursuant to Rule 80-B of the Maine Rules of Civil Procedure (22 M.R.S.A. § 4309.3).

Reimbursement. If a recipient does not appeal the decision or if the fair hearing authority determines that a recipient did make a false representation, the recipient will be required to reimburse the municipality for any assistance received to which he/she was not entitled.

Dependents. In no event will the disqualification of a person under this section serve to disqualify any eligible dependent in that household (22 M.R.S.A. § 4309.3). In the event one or more members of a household are disqualified and assistance is requested for the remaining dependents, the eligibility of those dependents will be calculated as though the household is comprised of the dependents only, except that the entire household income will be considered available to them.

Section 6.5 Period of eligibility

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The administrator will grant assistance to all eligible persons for a period that is sufficient to meet their need but in no event may a grant of assistance cover a period in excess of one month (22 M.R.S.A. § 4309). Upon any application the administrator will determine the applicant's eligibility on the basis of a 30-day prospective analysis. For reasons of administrative efficiency, however, the administrator may elect to disburse that applicant's assistance for shorter periods of time, such as weekly, throughout the 30-day period of eligibility. When the administrator elects to disburse general assistance for a period of time less than 30 days, subsequent grants of assistance during that 30-day period may be issued pursuant to the initial determination of need unless the applicant's financial situation changes substantially enough to warrant a redetermination of eligibility.

Section 6.6 Determination of need

The period of time used to calculate need will be the next 30-day period from the date of application (22 M.R.S.A. § 4301.7). The administrator will calculate applicants' expenses according to the actual expense of the basic necessity or the maximum levels for the specific necessities allowed in section 6.8, whichever is less. The sum of these expenses, as calculated for a prospective 30-day period, is the applicant's *30-day need*. Applicants will not be considered eligible if their income and other resources exceed this calculation except in an emergency (see section 4.9, 22 M.R.S.A. § 4308.2).

Applicants will also not be considered in need of general assistance if their income, property, credit, assets or other resources available to provide basic necessities for their household are greater than the applicable overall maximum level of assistance set forth in the beginning of section 6.8 (22 M.R.S.A. §§ 4301.10, 4305.3-B). The difference between the applicant's income and the overall maximum levels of assistance established by this ordinance is the applicant's *deficit*. Once an applicant's deficit has been determined, the specific maximum levels of assistance for each basic necessity listed in section 6.8 shall be used by the administrator to guide the distribution of assistance for which the applicant is eligible. The specific maximum levels of assistance for each basic necessity are intended to be reasonable and sufficient to help recipients maintain a standard of health and decency (22 M.R.S.A. § 4305.3-A).

Income for basic necessities. Applicants are required to use their income for basic necessities. Except for initial applicants, no applicant is eligible to receive assistance to replace income that was spent within the 30-day period prior to an application for assistance on goods and services that are not basic necessities. All income spent on goods and services that are not basic necessities will be considered available to the applicant and combined with the applicant's prospective 30-day income for the purposes of computing eligibility (22 M.R.S.A. § 4315-A). Applicants who have sufficient income to provide their basic necessities but who use that income to purchase goods or services which are not basic necessities will not be considered eligible for assistance. Persons who exhaust their income on basic necessities and who still need assistance with other basic necessities will be eligible, provided that their income does not exceed the overall maximum level of assistance.

Use-of-income requirements. The administrator may require that anyone applying for general assistance must document his/her use of income to the administrator. This documentation can take the form of cancelled checks and/or receipts which demonstrate that the applicant has exhausted all household income received over the last 30-day period. Any repeat applicant may be required to verify that such an expenditure of income was for basic necessities.

Allowable expenditures include reasonable shelter costs (rent/mortgage); the cost of heating fuel, electricity, and *food up to the ordinance maximums*; telephone costs at the base rate *if the household needs a telephone for medical reasons*, the cost of nonelective medical services as

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2. Allowable expenditures include reasonable shelter costs (rent/mortgage); the cost of heating fuel, electricity, and food up to the ordinance maximums; telephone costs at the base rate if the household needs a telephone for medical reasons, the cost of nonelective medical services as

Section 6.7 Income

Income standards. Applicants whose income exceeds the overall maximum level of assistance provided in section 6.8 shall not be eligible for general assistance except in an emergency. The administrator will conduct an individual factual inquiry into the applicant's income and expenses each time an applicant applies.

Calculation of income. To determine whether applicants are in need, the administrator will calculate the income they will receive during the next 30-day period commencing on the date of application, and identify any assets or resources that would alleviate their need. For all applicants other than initial applicants, the administrator will also consider as available income any income that was not spent during the previous 30-day period on basic necessities, as well as any income that was spent on basic necessities in unreasonable excess of the ordinance maximums for specific basic necessities. If a household's income exceeds the amount of the household's need for basic necessities, up to the maximum levels contained in section 6.8, applicants will not be considered in need. Exceptions will be made in emergency situations which may necessitate that the maximum levels be exceeded (22 M.R.S.A. [4308; see section 4.9). To calculate weekly income and expenses, the administrator will divide the applicants' monthly income and expenses by 4.3.

Types of income. Income that will be considered in determining an applicant's need includes:

a) **Earned income.** Income in cash or in kind earned by the applicant through wages, salary, commissions, or profit, whether self-employed or as an employee, is considered earned income. If a person is self-employed, total income will be computed by subtracting reasonable and actual business expenses from gross income. When income consists of wages, the amount computed will be the income available after taxes, social security and other payroll deductions required by state, federal, and local law. Rental income and profit from produce that is sold is considered earned income. Income that is held in trust and unavailable to the applicant or the applicant's dependents will not be considered as earned income.

NOTE: Actual work-related expenses such as union dues, transportation to and from work, special equipment or work clothes, and child care costs will not be considered available income and will be deducted (22 M.R.S.A. § 4301.7).

b) **Income from other assistance or social services programs.** State/federal categorical assistance benefits, SSI payments, Social Security payments, VA benefits, unemployment insurance benefits, and payments from other government sources will be considered as income, unless expressly prohibited by federal law or regulation. Federal law prohibits Food Stamps and fuel assistance payments made by the Home Energy Assistance Program (HEAP and ECIP) from being considered income. The value of the food stamps or fuel assistance will not be used to reduce the amount of general assistance the applicant is eligible to receive, although applicants may have only a limited or reduced need for general assistance for heating fuel or electricity if a recently received HEAP/ECIP benefit has sufficiently credited their account or otherwise obviated an actual fuel-related cost over the prospective 30-day period. The administrator's obligation is to always compute the heating needs of an applicant who has received HEAP or ECIP as if that applicant paid for his/her total fuel costs. Accordingly, in such cases, the administrator will budget for the household's heating energy needs according to actual usage, up to the ordinance maximums, but the administrator may, with written notice to the applicant, hold in reserve the heating energy portion of the applicant's deficit until such a time during the period of eligibility that the applicant has a demonstrable need for the disbursement of heating energy assistance; that is, the applicant's fuel tank can accept a minimum fuel delivery or the applicant no longer has a positive credit balance

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with his/her utility company. The municipality is not obligated to divert any recipient's heating energy allowance toward non-heating purposes solely on the basis of the recipient's receipt of HEAP/ECIP.

c) **Court-ordered support payments.** Alimony and child support payments will be considered income only if actually received by the applicant. The general assistance administrator will refer cases where support payments are not actually received to the State Department of Human Services' Support Enforcement Location Unit.

d) **Income from other sources.** Payments from pensions and trust funds will be considered income. Payments from boarders or lodgers will be considered income as will cash or in-kind contributions provided to the household from any other source, including relatives (22 M.R.S.A. § 4301.7).

e) **Earnings of a son or daughter.** Earned income received by sons and daughters below the age of 18 who are full-time students and who are not working full-time will not be considered income. The unearned income of a minor in the household will be considered available to the household.

f) **Income from household members.** Income from household members will be considered available to the applicant, whether or not the household member is legally obligated for the support of the applicant, if the household members pool or share their income and expenses as a family or intermingle their funds so as to provide support to one another.

g) **The pooling or non-pooling of income.** When two or more individuals share the same dwelling unit but not all members of the household are applying for general assistance, the administrator shall make a finding under a rebuttable presumption that the entire household is pooling income (22 M.R.S.A. § 4301.12-A). One or more applicants for assistance can successfully rebut the presumption that all household income is being pooled by providing the administrator with verifiable documentation affirmatively demonstrating a pattern of non-pooling for the duration of the shared living arrangement. Such documentation would include evidence of the entire household expenses as well as bank statements, cancelled checks, receipts, landlord statements or other vendor accounts clearly supporting a claim that the applicant has been and is presently solely and entirely responsible for his or her pro-rata share of household costs. If the applicant is unable to successfully rebut the municipality's presumption that all household income is being pooled, eligibility of the entire household will be determined based on total household income. If the applicant successfully rebuts the municipality's presumption that all household income is being pooled, the applicant's eligibility will be determined on the basis of his/her income and his/her pro-rata share of actual household expenses.

h) **Lump sum income.** A lump sum payment as defined in this ordinance and received by a household prior to the date of application for general assistance will be considered as income available to the household, with the exception of any required payments (i.e., any third party payment which is required as a condition of receiving the lump sum payment, or any payments of bills earmarked for the purpose for which the lump sum payment was made) and any amount of the lump sum payment which the applicant can document was spent on basic necessities, as described below.

In the case where a lump sum payment was received by a household at any time prior to the date of application for general assistance, the administrator will assess the need for prorating an applicant's eligibility for general assistance according to the following criteria (22 M.R.S.A. § 4301.7).

- 1) Identify the date the lump sum payment was received;
- 2) subtract from the lump sum payment all required payments;
- 3) subtract from the lump sum any amount the applicant can demonstrate was spent on basic necessities, including all basic necessities provided by general assistance in reasonable conformance with the specific maximum levels of assistance, per month, provided in this ordinance; any reasonable payment of funeral or burial expenses for a family member; any

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reasonable travel costs related to the illness or death of a family member; repair or replacement of essentials lost due to fire, flood or other natural disaster; repair or purchase of a motor vehicle essential for employment, education, training or other day-to-day living necessities (22 M.R.S.A. § 4301.7).

4) Add to the remainder all income received by the household between the date of receipt of the lump sum payment and the date of application for general assistance.

5) divide the sum created by subsection (4) by the aggregate maximum monthly allocation of general assistance available to the household pursuant to 22 M.R.S.A. §4305.3-B (Appendix A).

The dividend remaining after following the above guidelines represents the number of months from the receipt of the lump sum payment during which an income level equivalent to the maximum monthly allocation of general assistance for the household will be deemed available to that household. No proration of lump sum income can extend longer than 12 months from the date of application. Applicants who have been declared ineligible for reasons of lump sum proration will not be eligible for emergency general assistance during the period of proration.

Section 6.8 Basic necessities; Maximum levels of assistance

Overall maximum levels of assistance. Notwithstanding any of the maximum levels of assistance for specific basic necessities listed in this section, an applicant's eligibility for general assistance will be first determined by subtracting his/her income from the overall maximum level of assistance designated immediately below for the applicable household size (22 M.R.S.A. § 4305.3-B). The difference yielded by this calculation shall be the applicant's deficit. Applicants will be eligible for general assistance up to the calculated deficit to the extent the applicant is unable to otherwise provide the basic necessities essential to maintain themselves or their families. Applicants with no deficit shall be found ineligible for general assistance unless they are in an emergency, in which case eligibility for emergency general assistance will be determined according to section 4.9 of this ordinance.

No. in Household	Weekly	Monthly
1		
2	(The applicable figures from Appendix A should be inserted here.)	
3		
4		
5		
6		
Additional persons		\$75.00

Maximum levels of assistance for specific basic necessities. The municipality will grant assistance to eligible applicants for basic necessities according to the maximum levels for specific types of assistance set forth below. The administrator, in consultation with the applicant, may apply the amount of the applicant's deficit toward assistance with any one or combination of necessities not to exceed the total deficit. These maximum levels will be strictly adhered to unless the administrator determines that there are exceptional circumstances and an emergency is shown to exist, in which case these absolute levels will be waived in order to meet immediate needs. In all cases either the actual expenses the applicant incurs for basic necessities or the maximum amount allowed in each category, whichever is less, will be used in determining need.

In roommate situations, the applicant's need for common living expenses for rent, fuel, electricity, etc., will be presumed to be reduced by an amount equal to the other household members' proportionate fair share of the common living expenses. No applicant will be allowed to claim a need for any expense which has been or will be paid by another person. In

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1. The applicant must be a resident of the municipality for at least 30 days prior to the date of application for assistance.

2. The applicant must be a resident of the municipality for at least 30 days prior to the date of application for assistance.

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addition, as a general rule the municipality will not provide a benefit toward a basic need by paying a bill that is issued to a person not living with the applicant's household or that has otherwise been incurred by a person who has not been found eligible to receive assistance. Temporary exceptions to this general rule may be made by the administrator in the following circumstances: (1) a recent, unplanned separation has occurred in the household resulting in the sustained or permanent absence of a former household member in whose name the bill was customarily issued; (2) the applicant and members of the applicant's household were or will be the sole recipients of the commodities or services covered by any bill to be paid or partially paid with general assistance; and (3) the applicant will make a good faith effort to direct the vendor to issue future bills in the name of the applicant or other responsible person residing in the household.

a) **Food.** The administrator will provide food assistance to eligible persons up to the allowed maximum amounts designated by the U.S.D.A. *Thrifty Food Plan* for the appropriate household size. For this purpose, the municipality hereby incorporates by reference the U.S.D.A. *Thrifty Food Plan*, as distributed by the Maine Department of Human Services on or about October of each year. In determining need for food the administrator will not consider the value of the food stamps an applicant receives as income (22 M.R.S.A. § 4301.7(A); 7 U.S.C. §2017(b)). The municipality will authorize vouchers to be used solely for approved food products.

The maximum amounts allowed for food are:

No. in Household	Weekly	Monthly
1	\$	\$
2		
3	See Appendix B for figures to be inserted here.	
4		
5		
6		
7		
8		

The administrator will exceed the above maximums when necessary for households having members with special dietary needs. The administrator may require a doctor's statement verifying there is a special dietary need requiring an expenditure for food that is greater than the ordinance maximums.

b) **Housing.** The administrator will provide assistance with rent or mortgage payments that are reasonable and within the allowed maximum levels below. It is the applicant's responsibility to find suitable housing, although the administrator may help the applicant find housing when appropriate. The administrator will inform the applicant of the allowed housing maximums to assist the applicant in his/her search for housing. The allowed maximum for any applicant will be the categorical housing maximum representing the minimum dwelling unit space necessary to adequately shelter the applicant household. Applicants requesting assistance for housing that contains more bedrooms than are necessary for the number of household members will be provided assistance according to the maximum level for the number of rooms actually needed.

Rental payments to relatives. The municipality may elect to not issue any rental payment to an applicant's relatives unless the rental relationship has existed for at least three months and the applicant's relative(s) rely on the rental payment for their basic needs. For the purpose of this section, a "relative" is defined as the applicant's parents, grandparents, children, grandchildren, siblings, parent's siblings, or any of those relative's children (22 M.R.S.A. § 4319.2).

Rental payments to private homes. When applicants are living in private homes or sharing dwelling units with other people who are not requesting general assistance, the amount allowed as the applicant's shelter expense will be the applicant's prorata share of the actual, total

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shelter cost, up to the ordinance maximum (22 M.R.S.A. § 4301.6).

Any housing assistance issued to a recipient in such a circumstance will be issued, whenever reasonably possible, to the landlord or property owner with the most superior interest in the property; i.e., to a landlord before a tenant, or to a mortgagee before a mortgagor.

When the municipality issues in aggregate more than \$600 in rental payments to any landlord in any calendar year, a 1099 form declaring the total amount of rental payments issued during the calendar year will be forwarded to the Internal Revenue Service (IRS) pursuant to IRS regulation. See section 6041(a) of Internal Revenue Code.

Any landlord wishing to regularly receive rental payments from the municipality on behalf of applicants renting rooms from the landlord's own residence must, at a minimum, make a good faith effort to obtain a lodging license from the Department of Human Services, Division of Health Engineering, pursuant to 10-144A Code of Maine Regulations, Chapter 201, as a condition of that landlord receiving future general assistance payments on behalf of his or her tenants.

Mortgage payments. In the case of a request for assistance with a mortgage payment, the general assistance administrator will make an individual factual determination of whether the applicant has an immediate need for such aid. In making this determination, the administrator will consider the extent and liquidity of the applicant's proprietary interest in the housing. Factors to consider in making this determination include:

- (1) the marketability of the shelter's equity,
- (2) the amount of equity,
- (3) the availability of the equity interest in the shelter to provide the applicant an opportunity to secure a short-term loan in order to meet immediate needs,
- (4) the extent to which liquidation may aid the applicant's financial rehabilitation,
- (5) a comparison between the amount of mortgage obligations and the anticipated rental charges the applicant would be responsible for if he/she were to be dislocated to rental housing,
- (6) the imminence of the applicant's dislocation from owned housing because of his/her inability to meet the mortgage payments,
- (7) the likelihood that the provision of housing assistance will prevent such dislocation, and
- (8) the applicant's age, health, and social situation.

These factors shall be considered when determining whether the equity in the shelter is an available asset which may be substituted for the assistance the municipality would otherwise be required to provide. If after reviewing the above criteria the administrator determines that: (1) the monthly mortgage obligation is in accordance with the maximum levels of assistance available for housing appropriate to the applicant's household size; (2) there is no capacity in the accumulated equity in the property, when considered in the context of the applicant's borrowing capacity with the mortgagee or the general lending community, to suspend the mortgage obligation temporarily or reamortize the mortgage in such a way as to suspend or reduce the mortgage obligation; and (3) the failure to provide a mortgage payment in a timely manner could jeopardize the applicant's continued right of possession of the property, then the administrator shall consider issuing a benefit in response to the applicant's request for mortgage assistance to the extent the applicant is otherwise eligible for general assistance.

If a mortgage payment is necessary, the administrator will pay the actual amount due, up to the amount allowed according to the maximum levels listed below. After an initial application, assistance with such payments will be given only after the applicant has made all reasonable efforts to borrow against the equity of his/her home. If there is not sufficient equity in the home with which to secure a loan, and if the monthly mortgage payments are not

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realistically in line with the rental rates for similar housing in the area that could meet the applicant's needs, the administrator will inform the applicant that he/she is responsible for finding alternative housing within his/her ability to pay and will be obligated to make all reasonable efforts to secure such housing.

Liens. The municipality may place a lien on the property in order to recover its costs of granting assistance with mortgage payments (22 M.R.S.A. § 4320). No lien may be enforced against a recipient except upon his/her death or the transfer of the property. Further, no lien may be enforced against a person who is currently receiving any form of public assistance, or who would again become eligible for general assistance if the lien were enforced.

If the municipality determines that it is appropriate to place a lien on a person's property to recover its costs of providing general assistance for a mortgage payment it must file a notice of the lien with the county registry of deeds where the property is located within 30 days of making the mortgage payment. That filing shall secure the municipality's or the state's interest in an amount equal to the sum of that mortgage payment and all subsequent mortgage payments made on behalf of the same eligible person, plus interest and costs. Not less than 10 days prior to filing the lien in the registry, the municipal officers must send notice to the owner of the real estate, the general assistance recipient, and any record holder of the mortgage by certified mail, return receipt requested, that a lien on the property is going to be filed with the registry. This notice must clearly inform the recipient of the limitations upon enforcement plus the name, title, address and telephone number of the person who granted the assistance. The municipal officers must also give written notice to the recipient each time the amount secured by the lien is increased because of an additional mortgage payment or the imposition of interest. This notice must include the same information that appeared on the original intent-to-file notice sent to the recipient.

The municipality will charge interest on the amount of money secured by the lien. The municipal officers will establish the interest rate not to exceed the maximum rate of interest allowed by the State Treasurer to be charged against delinquent taxes. The interest will accrue from the date the lien is filed.

Property taxes. In the event an applicant requests assistance with his/her property taxes, the administrator will inform the applicant that there are two procedures on the local level to request that relief: the poverty abatement process (36 M.S.R.A. § 841(2)) and General Assistance. If the applicant chooses to seek property tax assistance through General Assistance, or if the applicant is denied a poverty tax abatement, the administrator may consider using general assistance to meet this need only if:

- a) the property tax in question is for the applicant's place of residence;
- b) there is a tax lien on the property which is due to mature within 60 days of the date of application;
- c) as a matter of municipal policy or practice, or on the basis of information obtained from the applicant's mortgagee, if any, it is reasonably certain that a tax lien foreclosure will result in subsequent eviction from the residential property; and
- d) the applicant, with sufficient notice, applies for property tax relief through the Maine Resident Property Tax Program, when available.

Housing maximums. The maximum levels of housing assistance contained in this ordinance have been derived either from a locally accomplished fair market rental survey or the fair market rental values developed by the United States Department of Housing and Urban Development (HUD). If the maximum levels of housing are derived from the HUD values made effective as of every October 1, and adjusted to disregard the current and averaged utility allowances as developed by the Maine State Housing Authority, those levels are hereby incorporated by reference. If and when the maximum levels of housing contained in this ordinance are derived from

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a locally developed fair market rental survey, a record of that survey will be submitted to the Department of Human Services, General Assistance Unit, and the maximum levels of housing assistance will be incorporated into this ordinance pursuant to the ordinance adoption and amendment procedures found at 22 M.R.S.A. § 4305.

The maximum amounts allowed for housing are:

No. of Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$	\$	\$	\$
1				
2	(See Appendix C for figures to insert here)			
3				
4				

c) **Utilities.** Expenses for lights, cooking, and hot water will be budgeted separately if they are not included in the rent. Applicants are responsible for making arrangements with the utility company regarding service, including entering into a special payment arrangement if necessary.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not obligated to pay back bills or utility security deposits. Exceptions may be made in emergency situations pursuant to section 4.9. Disconnection of utility service will not be considered an emergency in all cases. The administrator will make an individual, factual analysis to determine if the termination of utility service constitutes an emergency. The administrator will consider the household composition, the time of year, the age and health of the household members, and other appropriate factors in reaching a decision. Applicants who had sufficient income, money, assets or other resources to pay their utility bill when it was received, but who spent all or part of their income on items which were not basic necessities, will not be eligible to receive general assistance to replace those funds. Applicants have the burden of providing evidence of their income and use of income for the applicable time period (22 M.R.S.A. § 4308.2, see section 4.9). The administrator will notify applicants in writing that they must give the administrator prompt notice if their utility service is to be terminated or if their fuel supply is low. It is the applicant's responsibility to attempt to make arrangements with the utility company to maintain their service and to notify the administrator if assistance is needed with a utility bill prior to service being terminated.

Electricity Maximums for Households Without Electric Hot Water.

The maximum amounts allowed for utilities for lights, cooking, and other electric uses, excluding electric hot water are:

No. in Household	Weekly	Monthly
1	\$14.00	\$ 60.00
2	15.70	67.50
3	17.45	75.00
4	19.20	82.50
5	21.00	90.00
6	22.70	97.50

Additional members, add \$7.50/month

Electricity Maximums for Households that use Electrically Heated Hot Water. The maximum amount allowed for electric utilities for dwelling units that have electrically heated hot water shall be \$70 per month for the first member of the household, with an additional \$10 per month for each additional household member.

No. in Household	Weekly	Monthly
1	\$16.30	\$ 70.00
2	18.60	80.00
3	21.00	90.00

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4	23.30	100.00
5	25.60	110.00
6	27.90	120.00

Note: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum amount for fuel as provided below.

In accordance with the following conditions, the administrator may allow as a budgetable expense the amount of an applicant's summer-loaded special payment arrangement (SPA) or budget payment arrangement (BPA), as calculated by the electric utility and entered into by the applicant, even when the arranged payment amount exceeds the above maximums or actual usage:

- 1) The SPA or BPA, when annualized, does not exceed the above monthly maximums, when annualized, for non-electrically heated dwelling units.
- 2) The SPA or BPA, when annualized, does not exceed the above monthly maximums and the fuel assistance maximums, when annualized, for electrically heated dwelling units.
- 3) The administrator determines, in consultation with the utility, that the payment arrangement does not include in any part the installment payment of past debt unless the municipality guaranteed to the utility the allowance of such an arrangement as a condition of averting a disconnection.

Pursuant to the use-of-income requirements in section 6.6 of this ordinance, whenever the administrator budgets for SPA's or BPA's under this section, the recipient will be required to pay the SPA or BPA him or herself to the extent of the income capacity of the household.

Non-electric Utilities. The allowed amount for water and sewer utility service will be budgeted at the actual 30-day cost for those services.

d) **Fuel.** Expenses for home heating will be budgeted according to the actual need for fuel during the heating season (September through May) provided such expenses are reasonable, and at other times during the year when the administrator determines the request for fuel assistance is reasonable and appropriate.

Assistance will be granted to eligible applicants on the basis of their most recent bill. The municipality is not responsible for back bills except in an emergency as provided in section 4.9. Applicants are responsible for monitoring their fuel supply and requesting assistance prior to depleting their fuel supply. When applicants who have been informed of this responsibility run out of fuel nonetheless, and can show no just cause for failing to give the administrator timely notice of their need for fuel, the administrator shall find that the emergency was not beyond the applicants' control, and process the emergency request accordingly, pursuant to section 4.9 of this ordinance.

When considering requests for heating fuel, eligible applicants will be granted assistance with the actual amount necessary up to the following maximums:

month	gallons	month	gallons
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon.

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When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

e) **Personal Care and Household Supplies.** Expenses for ordinary personal and household supplies will be budgeted and allowed according to the applicant's actual need for these items, up to the maximums below. Personal and household supplies include: hand soap, toothpaste, shampoo, shaving cream, deodorant, dish detergent, laundry supplies and costs, household cleaning supplies, razors, paper products such as toilet paper, tissues, paper towels, garbage/trash bags, and light bulbs.

No. in Household	Weekly Amount	Monthly Amount
1-2	\$ 8.20	\$35.00
3-4	9.30	40.00
5-6	10.50	45.00
7-8	11.60	50.00

Additional persons in the household will be budgeted at \$1.25 per week or \$5 a month.

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

No. of Children	Weekly	Monthly
1	\$10.50	\$ 45
2	15.10	65
3	20.90	90
4	25.60	110

f) **Other Basic Necessities.** Expenses falling under this section will be granted when they are deemed essential to an applicant's or recipient's health and safety by the general assistance administrator and, in some cases, upon verification by a physician. Assistance will be granted only when these necessities cannot be obtained through the utilization of available resources.

1) **Clothing.** The municipality may assist a household with the purchase of adequate clothing. Before assistance will be granted for clothing, the general assistance administrator must be satisfied that the applicant has utilized all available resources to secure the necessary clothing. In some circumstances, clothing will be a postponable item. Exceptions to this would be, for example, if fire, flood or unusually cold weather makes extra clothing an immediate necessity, special clothing is necessary for the applicant's employment, or a household member is without adequate clothing.

2) **Medical.** The municipality will pay for essential medical expenses, other than hospital bills (see below), provided that the municipality is notified and approves the expenses and services prior to their being made or delivered. Medical expenses include prescriptions, devices, treatments, or services that are determined to be medically necessary by a licensed physician. The municipality will grant assistance for medical services only when assistance cannot be obtained from any other source and the applicant would not be able to receive necessary medical care without the municipality's assistance. The applicant is required to utilize any resource, including any federal or state program, that will diminish his/her need to seek general assistance for medical expenses. The municipality will grant assistance for non-emergency medical services only if a physician verifies that the services are essential. Provided there is no cost to the applicant, the administrator may require a second medical opinion from a physician designated by the municipality to verify the necessity of the services.

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Generally, the municipality will issue general assistance at the established Medicaid rates for all medical services, prescriptions, or other medical commodities. Before authorizing general assistance for any medical expenses, the administrator will inform the pharmacy or medical service provider of the municipality's intention to pay for the medical service at the Medicaid rate, and ask to be billed accordingly.

Ordinary medical supplies/non-prescription drugs will be budgeted at the actual amount when the applicant can demonstrate a need for such items. Allowable supplies include bandages, aspirin, cough syrup, and other generic brand, non-prescription medicines. In addition, the basic monthly rate for telephone service will be budgeted when a telephone is essential to the health and safety of the household. In order for telephone service to be considered an allowable expense the applicant must provide a written statement from a physician certifying that the telephone is essential.

3) **Hospital bills.** In the event of an emergency admission to the hospital, the hospital must notify the administrator within 5 business days of the admission. Notification must be by telephone, confirmed by certified mail, or by certified mail only. If a hospital fails to give timely notice to the administrator, the municipality will have no obligation to pay the bill.

Any person who cannot pay his/her hospital bill must apply to the hospital for consideration under the hospital's charity care program as provided in Title 22 M.R.S.A. § 396-F(1). Anyone who is not eligible for the hospital's charity care program may apply for general assistance. Applicants must apply for assistance within 30 days of being discharged from the hospital and provide a notice from the hospital certifying that they are not eligible for the hospital's charity care program.

Before the administrator will consider whether to allow a hospital bill as a necessary expense, the applicant must enter into a reasonable payment arrangement with the hospital. The payment arrangement will be based upon the Medicaid rate. In determining an applicant's eligibility, the municipality will budget the monthly payment to the hospital the applicant has agreed to pay. The applicant's need for assistance with a hospital bill will be considered each time he/she applies by including the amount of the bill in the applicant's monthly budget, but the recipient will be responsible for making any necessary payments to the hospital pursuant to the use-of-income requirements found at section 6.6 of this ordinance.

4) **Dental.** The municipality will pay for medically necessary dental services only. As is the case with medical services generally, the municipality will issue general assistance for dental services at the established Medicaid rates for those services, and before authorizing the general assistance benefit for dental services, the administrator will inform the dentist or dental surgeon of the municipality's intention to pay at the Medicaid rate. If full mouth extractions are necessary, the municipality will pay for dentures provided the applicant has no other resources to pay for the dentures. The applicant will be referred to a dental clinic in the area whenever possible. The administrator will expect the applicant to bear a reasonable part of the cost for dental services, including extractions and dentures, taking into account the applicant's ability to pay.

5) **Eye Care.** In order to be eligible to receive general assistance for eyeglasses, an applicant must have his/her medical need certified by a person licensed to practice optometry. The general assistance administrator will provide assistance for eyeglasses to eligible persons only after the applicant has exhausted all other available resources.

6) **Work-related expenses.** In determining need, reasonable and actual work-related expenses will be deducted from earned income. These expenses include transportation at the actual costs not to exceed \$.28 per mile, child care costs, work clothes and supplies. The applicant is required to provide documentation substantiating the costs and that the expenses were necessary.

7) **Travel expenses.** In determining need, necessary travel which is not

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work-related will be budgeted if the applicant can satisfy the administrator that the prospective need for travel is necessary. For applicants in rural areas, weekly transportation to a supermarket will be considered, as will any medically necessary travel. The rate at which such necessary travel will be budgeted is \$.28/mile, and this rate shall be construed to subsidize all costs associated with automobile ownership and operation, including gas/oil, tires, maintenance, insurance, financing, licensing/registration, excise tax, etc.

8) Burials, Cremations. Under the circumstances and in accordance with the procedures and limitations described below, the municipality recognizes its responsibility to pay for the burial or cremation of eligible persons.

Funeral Director must give timely notice: In order for the municipality to be liable for a burial or cremation expense, the funeral director must notify the administrator prior to the burial or cremation or by the end of the next business day following the funeral director's receipt of the body, whichever is earlier (22 M.R.S.A. §4313.2). This contact by the funeral director shall begin the process of developing an application for burial/cremation assistance on behalf of the deceased. It is the funeral director's responsibility to make a good-faith effort to determine if the family or any other persons are going to pay all or part of the burial expenses. If family members or others are unable to pay the expenses, and the funeral director wants the municipality to pay all or part of the expenses, the funeral director must make timely contact to the municipal administrator. In addition, the funeral director may refer legally liable relatives to the administrator so that a timely determination of financial capacity may be accomplished.

Application for assistance shall be created on behalf of the deceased: For the purposes of determining residency, calculating eligibility and issuing general assistance for burial or cremation purposes, an application for assistance shall be created by the administrator on behalf of the deceased.

With regard to residency, the municipality of responsibility for burial expenses shall be the municipality in which the eligible deceased person was a resident at the time of death as residency is determined under section 4.10 of this ordinance.

Although legally liable relatives may be asked to provide information regarding their income, assets, and basic living expenses, that information will not be construed as an application for general assistance inasmuch as living persons are not eligible for burial assistance. To clarify this point of law, although legally liable relatives have a financial responsibility to pay for the burial or cremation of their relatives, that financial responsibility only exists to the extent the legally liable relatives have a financial capacity to do so. Therefore, legally liable relatives who are eligible for general assistance, by virtue of their eligibility, have no legal obligation to pay for the burial or cremation of their relatives. For these reasons, all general assistance issued for burial or cremation purposes shall be issued on behalf of, and in the name of, the deceased.

The financial responsibility of certain family members: Grandparents, parents, siblings, children and grandchildren of the deceased, who live in Maine or own property in Maine, are financially responsible for the burial or cremation of the deceased to the extent those relatives, individually or as a group, have a financial capacity to pay for the burial or cremation either in lump sum or by means of a budgeted payment arrangement with the funeral home. Accordingly, at the request of the administrator, all legally liable relatives must provide the municipal administrator with any reasonably requested information regarding their income, assets, and basic living expenses.

Consideration of the financial responsibility of family members. Generally, when the administrator can make a finding that one or more of the deceased's legally liable relatives have an obvious and demonstrable

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financial capacity to pay for the burial or cremation, by lump sum payment or by means of a reasonable payment arrangement, the municipality will not grant the requested burial or cremation assistance. When the administrator is unable to make such a finding, the following proration of familial responsibility will be implemented.

Proration of familial responsibility. A proration of familial financial responsibility will be used when no legally liable relative possesses an obvious and demonstrable capacity to pay for the burial or cremation, but one or more of the financially liable relatives is found to have a financial capacity to make a partial financial contribution, or the administrator is unable to determine the financial capacity of one or more of said relatives. Under these circumstances, each legally liable relative is considered to be responsible for his or her prorata share of the total municipal contribution that would exist if no legally liable relatives had a financial capacity to contribute. Furthermore, and as long as all other eligibility factors have been satisfied, the municipality will provide as a burial or cremation benefit the aggregate of all prorata shares less the share of any legally liable relative who refuses to cooperate with the administrator by providing information or documentation reasonably necessary to determine that relative's financial capacity, and less any share or part of a share attributable to a legally liable relative who can financially contribute or partially contribute toward the burial or cremation to the extent of that relative's share.

Ten days to determine eligibility: The administrator may take up to 10 days from the date of contact by the funeral director to issue a written decision regarding the amount of the municipal contribution toward the burial or cremation. The 10-day eligibility determination period from the date of contact by the funeral director shall be used as necessary to make third-party collateral contacts, verify the listing of legally liable family members and determine their respective financial capacities to contribute to the burial or cremation, contact the personal representative of the deceased's estate, if any, and other related administrative tasks. The administrator shall not use this 10-day period allowed by law to unreasonably delay the municipality's decision.

The municipal obligation to pay when legally liable relatives or others can contribute: The figures provided in this section are the maximum benefits provided by the municipality when no contributions toward the burial or cremation are available from any other source. To the extent any legally liable relatives of the deceased have a financial capacity to pay for the burial or cremation, that financial capacity shall be deducted from the maximum burial costs allowed by this section. In addition, any other benefits or resources that are available, such as Social Security burial benefits, veterans' burial benefits, or contributions from other persons, will be deducted from the maximum amount the municipality will pay, except there will be no deduction from the municipal benefit level with respect to any contribution provided for the purpose of publishing an obituary notice up to an aggregate contribution limit for this purpose of \$75 when a paid receipt demonstrating the purchase of an obituary notice is provided to the administrator.

Burial expenses. The administrator will respect the wishes of family members with regard to whether the deceased is interred by means of burial or cremated. The maximum amount of general assistance granted for the purpose of burial is \$1,125, with additional payments, where there is an actual cost, for: (1) the wholesale cost of a cement liner if the cemetery by-laws require one; (2) the opening and closing of the grave site; and (3) a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally-owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not

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to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to: removal of the body from a local residence or institution; a secured death certificate or obituary; embalming; a minimum casket; a reasonable cost for necessary transportation; and other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Cremation expenses. In the absence of any objection by any family members of the deceased, or when neither the administrator nor the funeral director can locate any family members, the administrator will issue general assistance for cremation services. The maximum amount of assistance granted for a cremation shall be \$785, with additional payments, where there is an actual cost, for a cremation lot in the least expensive section of the cemetery, a reasonable cost for a burial urn not to exceed \$50, and transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

9) Capital improvements. The costs associated with capital improvements/repairs (e.g., heating/water/septic system repair) will generally not be budgeted as a basic necessity. Exceptions can be made only when the capital improvement/repair has been pre-approved by the administrator as a necessary expense and the monthly cost of the capital improvement/repair has been reduced as far as reasonably possible; for example, by means of the applicant entering into an installment payment arrangement with the contractor. The administrator may grant general assistance for capital improvements when: 1) the failure to do so would place the applicant(s) in emergency circumstances; 2) there are no other resources available to effect the capital repair; and 3) there is no more cost-effective alternative available to the applicant or municipality to alleviate an emergency situation. In some cases, the entire immediate cost of the capital improvement can be mitigated by the applicant entering into an installment payment arrangement with a contractor. The municipality reserves the right to place a lien on any property pursuant to 22 M.R.S.A. § 4320 when general assistance has been used to effect a capital improvement. The lien process shall be accomplished in the same manner as for mortgage payments, as described in subsection (b), above.

Section 6.9 Notice of decision

Written decision. The administrator will give a written decision to each applicant after making a determination of eligibility each time a person applies. The decision will be given to the applicant within 24 hours of receiving an application (22 M.R.S.A. § 4305.3; See Article IV, section 4.6).

In order to ensure that applicants understand their rights, it is the responsibility of the general assistance administrator to explain the applicants' right to a fair hearing in the written notice of decision.

Contents. After an application has been completed, applicants will be given written notice of any decision concerning their eligibility for assistance. In addition to the contents of a written decision listed in section 4.6 of this ordinance, the notice will state that applicants:

- a) have the right to a fair hearing and the method by which they may obtain a fair hearing and;
- b) have the right to contact the Department of Human Services if they believe the municipality has violated the law. The decision will state the method for notifying the department.

Disbursement of general assistance. Except when determined impractical by the administrator, all general assistance will be provided in the form of a voucher or purchase order payable to a vendor or through direct municipal payment to a provider of goods or services. General assistance will not be issued in the form of a cash payment to an applicant unless there is no alternative to making such a cash payment, in which case the administrator shall document the circumstances for issuing general assistance in the form of cash. (22 M.R.S.A. § 4305.6).

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ARTICLE VII

The Fair Hearing

Section 7.1 Right to a fair hearing

Within 5 working days of receiving a written notice of denial, reduction or termination of assistance, or within 10 working days after any other act or failure to act, the applicant or his/her authorized representative has the right to request a fair hearing (22 M.R.S.A. § 4322). The right to review a decision of the general assistance administrator is a basic right of the applicant to a full evidentiary hearing and is not limited solely to a review of the decision [*Carson v. Oakland*, 42 A.2d 170 (Me. 1982); *Thibodeau v. Lewiston, Andro.* Sup. Ct. CV# 78-388].

Section 7.2 Method of obtaining a fair hearing

Upon receiving notification of the decision of the general assistance administrator, all claimants will be informed of the method of obtaining a fair hearing. All complaints that are not clear requests for a fair hearing will be answered by a personal interview or in writing by the general assistance administrator. If the client is satisfied with the adjustment or explanation, the administrator will make an entry in the case record and file any correspondence involved.

Written request. To obtain a fair hearing, the claimant, or his/her authorized representative, must make a written request within 5 working days of receiving the administrator's decision to grant, deny, reduce or terminate assistance, or within 10 working days after any other act or failure to act. The administrator will make available a printed form for requesting a fair hearing and will assist the claimant in completing it if necessary. On the printed form, the claimant will give the following information:

- a) the decision on which review is sought;
- b) the reason(s) for the claimant's dissatisfaction and why the claimant believes he/she is eligible to receive assistance; and
- c) the relief sought by the claimant.

The administrator cannot deny or dismiss a request for a hearing unless it has been withdrawn by the claimant.

Scheduling the fair hearing. Upon receipt of the completed written request the fair hearing authority must meet and hold the hearing within 5 working days. The administrator will notify the claimant in writing when and where the hearing will be held (22 M.R.S.A. § 4322). In addition to the date, time and place of the hearing, the notice of fair hearing sent to the claimant shall include, at a minimum, the claimant's rights to:

- a) be his or her own spokesperson at the fair hearing, or be represented by legal counsel or other spokesperson at the hearing, at the claimant's own expense;
- b) confront and cross-examine any witnesses presented at the hearing against the claimant;
- c) present witnesses on his or her own behalf.

Arrangements for the date, time, and place of the hearing will take into consideration the convenience of the claimant and hearing authority. The claimant will be given timely notice to allow for preparation and will also be given adequate preliminary information about the hearing procedure to allow for effective preparation of his/her case.

Section 7.3 The fair hearing authority

The municipal officers will appoint a fair hearing authority that will review decisions of the general assistance administrator when requested by any claimant or the claimant's authorized representative. The authority is charged with the responsibility of ensuring that general assistance is administered in accordance with the state law and local ordinance.

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The fair hearing authority may consist of the municipal officers, one or more persons appointed by the municipal officers to act as the hearing authority, or, if designated, the board of appeals created under 30-A M.R.S.A. § 2691. (22 M.R.S.A. § 4322). In determining the organization of the fair hearing authority, the municipal officers will use the following criteria. The person(s) serving as fair hearing authority must:

- a) not have participated in the decision which is the subject of the appeal;
- b) be impartial;
- c) be sufficiently skilled in interviewing techniques to be able to obtain evidence and the facts necessary to make a fair determination;
- d) be capable of evaluating all evidence fairly and realistically, explaining to the claimant the laws and regulations under which the administrator operated, and interpreting to the administrator any evidence of unsound, unclear, or inadequate policies, practices or actions.

Section 7.4 Fair hearing procedure

When a claimant requesting a fair hearing is notified of the date, time, and place of the hearing in writing, he/she will also be given adequate preliminary information about the hearing procedure to allow for effective preparation of his/her case. The claimant shall be permitted to review his/her file prior to the hearing. At a minimum, the claimant will be told the following information, which will govern all fair hearings. All fair hearings will:

- a) be conducted privately, and will be open only to the claimant, witnesses, legal counsel, or others whom the claimant wants present, and the general assistance administrator, his/her agents, counsel and witnesses;
- b) be opened with a presentation of the issue by the fair hearing authority;
- c) be conducted informally, without technical rules of evidence, but subject to the requirements of due process;
- d) allow the claimant and the administrator the option to present their positions for themselves or with the aid of others, including legal counsel;
- e) give all participants an opportunity to present oral or written testimony or documentary evidence, offer rebuttal; question witnesses presented at the hearing; and examine all evidence presented at the hearing;
- f) result in a decision, based exclusively on evidence or testimony presented at the hearing; and
- g) be tape recorded, and result in a written decision that is given to the claimant and filed with evidence introduced at the hearing. The fair hearing authority will allow the claimant to establish all pertinent facts and circumstances, and to advance any arguments without undue interference. Information that the claimant does not have an opportunity to hear or see will not be used in the fair hearing decision or made part of the hearing record. Any material reviewed by the fair hearing authority must be made available to the claimant or his/her representative. The claimant will be responsible for preparing a written transcript if he/she wishes to pursue court action.

The fair hearing authority shall admit all evidence if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. (22 M.R.S.A. §4322).

Section 7.5 The fair hearing decision

The decision of the fair hearing authority will be binding on the general assistance administrator, and will be communicated in writing to the claimant within 5 working days after completion of the hearing. Written notice of the decision will contain the following:

- a) a statement of the issue;
- b) relevant facts brought out at the hearing;
- c) pertinent provisions in the law or general assistance ordinance related to the decision;

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d) the decision and the reasons for it.

A copy of the notice of the decision will be given to the claimant. The hearing record and the case record will be maintained by the general assistance administrator.

The written notice of the decision will state that if the claimant is dissatisfied with the fair hearing decision, he/she has a further legal right to appeal the decision pursuant to the Maine Rules of Civil Procedure, Rule 80B. To take advantage of this right, the claimant must file a petition for review with the Superior Court within 30 days of receipt of the fair hearing decision.

When the decision by the fair hearing authority or court authorizes assistance to the claimant, the assistance will be provided within 24 hours.

ARTICLE VIII

Recovery of Expenses

Recipients. The municipality may recover the full amount of assistance granted to a person from either the recipient or from any person liable for the recipient, or his/her executors or administrators in a civil action. Prior to taking a recipient to court to recover the amount of assistance, the municipality will seek voluntary repayment from the recipient by notifying him/her in writing and discussing it with the recipient. The municipality shall not attempt to recover such costs if, as a result of the repayment, the person would again become eligible for general assistance (22 M.R.S.A. § 4318).

Recipients anticipating workers' compensation benefits. The municipality shall claim a lien for the value of all general assistance payments made to a recipient on any lump sum payment made to that recipient under the Workers' Compensation Act or similar law of any other state (22 M.R.S.A. § 4318, 39-A M.R.S.A. § 106). After issuing any general assistance on behalf of a recipient who has applied for or is receiving Workers' Compensation, the municipality shall file a notice of the municipal lien with the general assistance recipient and the Office of Secretary of State, Uniform Commercial Code division. The notice of lien shall be filed on a UCC-1 form which must be signed by the recipient of general assistance who has applied for or is receiving Workers' Compensation. Any general assistance applicant who has applied for or who is receiving Workers' Compensation benefits and who refuses to sign a properly prepared UCC-1 form will be found ineligible to receive general assistance until he or she provides the required signature. The municipality shall also send a photocopy of that filing to the recipient's Worker's Compensation attorney, if known, the applicant's employer or the employer's insurance company, and, at the administrator's discretion, to the Workers' Compensation Board. The lien shall be enforced at the time any lump sum Workers' Compensation benefit is issued.

Recipients of SSI. All applicants who receive general assistance while receipt of their Supplemental Security Income (SSI) assistance is pending or suspended, and which therefore may be retroactively issued to the applicant at a later date, will be required to sign a statement on an Interim Assistance Agreement form distributed by the Department of Human Services that authorizes the Social Security Administration to direct a portion of any retroactive SSI payment to the municipality and/or the state in repayment for the general assistance granted. Any general assistance applicant who has applied for or who may be applying for SSI, or who may be required to apply for SSI pursuant to 22 M.R.S.A. § 4317, and who refuses to sign the Interim Agreement SSI authorization form will be found ineligible to receive general assistance until he or she provides the required signature (22 M.R.S.A. § 4318).

Relatives. The spouse of an applicant, and the parents of any applicant under the age of 25, are liable for the support of the applicant (22 M.R.S.A.

NOTES:

§4319). In addition, grandchildren, children, siblings, parents and grandparents are liable for the burial costs of each other. The municipality considers these relatives to be available resources and liable for the support of their relatives in proportion to their respective ability. The municipality may complain to any court of competent jurisdiction to recover any expenses made on the behalf of a recipient if the relatives fail to fulfill their responsibility. (22 M.R.S.A. § 4319).

NOTES:

ARTICLE IX

Severability

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

APPENDIX A

Effective date: 10/1/96

Effective until: 10/1/97

Total Monthly Allowed GA Maximums at 110% of HUD (with averaged rates for metropolitan areas)

COUNTY	Persons In Household						Additional persons
	1	2	3	4	5	6	
*Androscoggin SMSA	338	417	546	682	764	839	\$75/person
<i>municipalities</i>							
Auburn							
Greene							
Lewiston							
Lisbon							
Mechanic Falls							
Poland							
Sabattus							
Turner							
Wales							
*Androscoggin (Non-SMSA)	341	420	559	699	782	857	\$75/person
*Aroostook	341	399	513	653	751	826	\$75/person
*Cumberland SMSA	452	516	683	891	1,011	1,086	\$75/person
<i>municipalities</i>							
Brunswick							
Cape Elizabeth							
Casco							
Cumberland							
Falmouth							
Freeport							
Gorham							
Gray							
No. Yarmouth							
Portland							
Raymond							
Scarborough							
So. Portland							
Standish							
Westbrook							
Windham							
Yarmouth							
*Cumberland (Non-SMSA)	498	530	677	921	1,056	1,131	\$75/person
*Franklin	348	399	513	653	751	826	\$75/person
*Hancock	367	450	557	702	779	854	\$75/person
*Kennebec	354	442	532	667	751	826	\$75/person
*Knox	341	439	570	759	800	875	\$75/person

X

Persons In Household

COUNTY	1	2	3	4	5	6	Additional persons
*Lincoln	443	493	561	780	921	996	\$75/person
*Oxford	341	399	513	653	751	826	\$75/person
*Penobscot SMSA	357	427	548	707	784	859	\$75/person
<i>municipalities</i>							
Bangor							
Brewer							
Eddington							
Glenburn							
Hampden							
Hermon							
Holden							
Kenduskeag							
Milford							
Old Town							
Orono							
Orrington							
Penobscot Indian Township							
Veazie							
*Penobscot (Non-SMSA)	341	399	513	653	751	826	\$75/person
*Piscataquis	341	399	513	653	751	826	\$75/person
*Sagadahoc	480	549	677	901	1,111	1,186	\$75/person
*Somerset	356	407	513	653	770	845	\$75/person
Waldo SMSA	357	427	548	707	784	859	\$75/person
<i>municipalities</i>							
Winterport							
*Waldo (Non-SMSA)	341	399	513	653	751	826	\$75/person
*Washington	341	399	513	653	751	826	\$75/person
*York SMSA	443	553	682	864	1,016	1,091	\$75/person
<i>municipalities</i>							
Berwick							
Biddeford							
Buxton							
Eliot							
Hollis							
Kittery							
Limington							
Old Orchard Beach							
Saco							
Sanford							
So.Berwick							
York							
*York (Non-SMSA)	420	548	646	807	903	978	\$75/person

APPENDIX B

Effective date: 10/1/96

Effective until: 10/1/97

The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. Through October 1997, those amounts are:

No. in Household	Weekly	Monthly
1	\$ 27.90	\$ 120
2	51.20	220
3	73.30	315
4	93.00	400
5	110.50	475
6	132.60	570
7	146.50	630
8	167.40	720

Additional members, add \$90/month.

Appendix C

Effective date: 10/1/96

Effective until: 10/1/97

Maximum Levels -- Housing

Androscoggin County				
No. of Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$ 53	\$229	\$ 61	\$263
1	65	278	75	324
2	87	372	101	436
3	109	467	127	548
4	116	499	140	600

Aroostook County				
No. of Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$ 52	\$222	\$ 62	\$267
1	58	249	72	310
2	73	315	93	400
3	94	406	119	513
4	104	446	135	580

Cumberland County				
No. of Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$ 87	\$373	\$ 95	\$407
1	88	378	99	424
2	111	479	126	543
3	155	668	174	749
4	174	750	198	850

Franklin County				
No. of Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$ 53	\$227	\$ 63	\$272
1	58	251	72	311
2	73	314	92	397
3	94	406	119	511
4	104	447	134	578

Hancock County

No. of Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$ 58	\$251	\$ 67	\$286
1	71	303	81	350
2	85	367	100	431
3	109	467	127	546
4	115	493	138	592

Kennebec County

No. of Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$ 56	\$241	\$ 64	\$275
1	69	298	80	344
2	81	348	96	412
3	102	438	121	519
4	110	471	133	572

Knox County

No. of Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$ 54	\$230	\$ 61	\$264
1	69	295	79	341
2	89	382	104	446
3	121	521	140	602
4	122	525	144	617

Lincoln County

No. of Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$ 75	\$323	\$ 83	\$357
1	80	344	91	390
2	87	374	102	438
3	126	540	144	621
4	146	627	169	727

~~Oxford County~~

No. of Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$ 53	\$229	\$ 61	\$263
1	60	259	71	305
2	77	330	92	394
3	99	426	118	507
4	110	471	133	572

Penobscot County

No. of Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$ 51	\$220	\$ 61	\$263
1	58	248	71	305
2	73	315	91	392
3	95	408	117	504
4	105	450	132	569

Piscataquis County

No. of Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$ 51	\$221	\$ 61	\$264
1	58	249	71	306
2	73	315	91	392
3	93	400	117	504
4	105	450	133	570

Sagadahoc County

No. of Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$ 83	\$356	\$ 91	\$390
1	92	395	103	441
2	111	479	126	543
3	151	650	170	731
4	186	800	209	900

Somerset County

No. of Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$ 55	\$235	\$ 65	\$280
1	60	258	74	318
2	73	314	92	397
3	94	406	119	511
4	108	464	138	595

Waldo County

No. of Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$ 53	\$229	\$ 61	\$263
1	60	259	71	305
2	77	330	92	394
3	99	426	118	507
4	110	471	133	572

Washington County

No. of Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$ 53	\$227	\$ 61	\$262
1	60	257	71	304
2	76	327	91	391
3	98	423	117	502
4	109	468	132	567

York County

No. of Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$ 70	\$302	\$ 78	\$336
1	92	394	102	440
2	105	451	120	515
3	131	565	150	646
4	142	611	165	711

Municipalities in SMSA's (i.e., Standard Metropolitan Statistical Areas - areas where a municipality or a core of municipalities have a population of at least 50,000) should consider the following figures. Refer to Appendix A to determine if your municipality falls within a SMSA.

Androscoggin County

No. of Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$ 52	\$224	\$ 60	\$258
1	63	272	74	318
2	81	348	96	412
3	102	437	121	518
4	108	466	132	567

Cumberland County

No. of Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$ 67	\$289	\$ 75	\$323
1	87	372	97	418
2	114	490	129	554
3	143	614	162	695
4	155	668	179	768

Penobscot County

No. of Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$ 58	\$249	\$ 68	\$292
1	70	299	83	356
2	88	379	106	456
3	118	506	140	602
4	119	510	146	629

York County

No. of Bedrooms	Unheated		Heated	
	Weekly	Monthly	Weekly	Monthly
0	\$ 80	\$344	\$ 88	\$378
1	94	404	105	450
2	120	517	135	581
3	155	667	174	748
4	190	816	213	916

**NOTIFICATION OF INTENT TO BUILD OR REMODEL
TOWN OF WEST PARIS, MAINE**

Section 1. Purpose

To provide a means of notifying the Town of construction, alteration, placement, remodeling, expansion or replacement of structures, decks and patios for assessment and tax purposes and to assure the proposed activity complies with the provisions of the Town of West Paris land use ordinances.

Section 2. Authority and Administration

A. Authority

1. This Ordinance is adopted pursuant to Title 30-A, M.R.S.A., Section 3001.
2. This Ordinance shall be known as the "Notification of Intent to Build or Remodel. Town of West Paris, Maine" adopted and effective by vote of the Town Meeting on 3/3/2001.

B. Administration

1. The Code Enforcement Officer shall administer and enforce the provisions of this ordinance.

Section 3. Notification

A. Notification

Before the construction, relocation, placement, expansion, remodeling or alteration of any building is commenced, the owner or the owner's agent shall obtain and complete a "Notification of Intent to Build or Remodel Form" which will be returned to the Town Office and reviewed by the C.E.O. Within five (5) working days of the date of receipt the C.E.O. will approve or disapprove the application.

B. Life of Notification

The approval of a "Notification of Intent to Build or Remodel Form" shall become void unless construction or foundation thereunder is commenced within one (1) year from the date of approval. After one (1) year a new Notification of Intent to Build or Remodel will have to be submitted.

C. Plumbing

All plumbing and sewage disposal shall be in strict conformance with the State of Maine Laws and the State Plumbing Code. Before approving any Notification the owner or the owner's authorized agent shall show proof to the Code Enforcement Officer that valid permits have been obtained for all interior plumbing and subsurface sewage disposal systems.

Section 4. Amendment to Ordinance

This Ordinance may be amended by a majority vote of the Legislative Body.

Section 5. Enforcement

This Ordinance shall be enforced pursuant to Title 30-A. M.R.S.A. Section 4452 and all penalties and remedies contained within that statute, as amended, shall apply to any violation of this Ordinance.

Section 6. Conflicting provisions

Whenever the provisions of this Ordinance conflict or differ from those described by any Federal or State Statute, Ordinance, or other regulation, that provision which imposes the greater restriction for the higher standard shall govern.

Section 7. Validity

If any section clause, provision, portion of 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.

Section 8. Appeals

The Board of Appeals, may, upon written application of an aggrieved party and after public notice, hear appeals from the determinations of Code Enforcement Officer in the administration of this Ordinance. Such appeal shall be taken within thirty (30) days from the date of the decision. Such hearings shall be held in accordance with State laws. Following the hearing, the Board of Appeals may reverse the decision of the Code Enforcement Officer upon finding that the decision is clearly contrary to specific provisions of this Ordinance.

Section 9. Definitions

- | | |
|-------------|--|
| Alteration: | Structural changes, rearrangement, change of location, addition, including decks and patios. |
| Building: | Any structure having a roof or partial roof supported by columns or walls used for shelter or enclosure of persons, animals, goods, or property of any kind. The term shall also include a foundation. |
| Foundation: | The supporting substructure of a building including but not limited to basements, slabs, sills, posts or frost walls. |
| Relocation: | The moving of a building from one location or position to another. |
| Remodel: | The improvement to the exterior or interior of a building exclusive of normal maintenance. |
| Expansion: | Addition of floor area to a building. |
| Deck: | A structure attached or detached from the principal structure that may have railings or access to the ground. |
| Patio: | A level, landscaped, and/or surface area directly adjacent to the principal structure and not covered by a permanent roof. |

TOWN OF WEST PARIS
LOITERING ORDINANCE

- a. It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a public place in such manner so as to:
- 1) Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tend to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.
 - 2) Commit in or upon any public street, public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto.

Penalty: Any person upon conviction shall be punished by a fine of not less than \$25.00 and not more than \$100.00.

Loitering Ordinance was enacted on March 7, 1978 (Article 62).

MINIMUM LOT SIZE
ORDINANCE

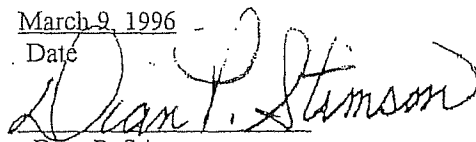
For the
TOWN OF WEST PARIS

ENACTED:

March 9, 1996

Date

CERTIFIED BY:



Dian P. Stimson

Town Clerk

Title

Affix Seal

**TOWN OF WEST PARIS
MINIMUM LOT SIZE ORDINANCE**

SECTION I. Purposes

The purposes of this Ordinance are to establish minimum lot sizes and setbacks in the Town of West Paris in order to promote the health, safety, and welfare of the residents of West Paris.

SECTION II. Authority and Administration

- A. This Ordinance is adopted and hereafter amended pursuant to and consistent with Article VIII-A of the State of Maine Constitution and Title 30-A, M.R.S.A., Section 3001.
- B. This Ordinance shall be administered and enforced by a Code Enforcement Officer appointed or re-appointed annually by the Selectmen.

SECTION III. Applicability

This Ordinance applies to all lots in the Town of West Paris, except those lots governed by the Town of West Paris Shoreland Zoning Ordinance, upon which residential dwellings, multi-family structures, commercial, industrial and institutional buildings and their accessory structures are to be located.

SECTION IV. Amendments, Validity, Effective Date, Repeal of Existing Lot Size Standards

A. Amendments

- 1. Initiation of Amendments: An amendment to this Ordinance may be initiated by:
 - a. The Planning Board, provided a majority of the Board has so voted;
 - b. Request of the municipal officers; or
 - c. Written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.
- 2. The Planning Board shall hold a public hearing on the proposed amendment at least 14 days prior to the meeting of the Governing Body. Notice of the public hearing shall be posted at the town office at least 14 days prior to the public hearing. Notice of the hearing shall be published at least two times in a newspaper of general circulation in the area. The date of the first notice shall be at least 14 days before the hearing the date of the second notice shall be at least 7 days before the hearing.
- 3. Adoption of Amendment: An amendment to this Ordinance may be adopted by a majority vote of the Town Meeting.

B. Validity and Severability

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

C. Conflict With Other Ordinances

This Ordinance shall not be construed to repeal any existing bylaws or ordinances, except as set forth in Section IV. D., or to impair the provisions of private restrictions placed upon property, provided, however, that where this Ordinance imposes greater restrictions, its provisions shall control.

D. Effective Date

The effective date of this Ordinance is the date of adoption by the town meeting. Adoption of this Ordinance shall repeal any and all Minimum Lot Size Ordinances previously adopted.

SECTION V. Enforcement

A. Nuisances

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

B. Code Enforcement Officer

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer finds 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. A copy of such notices shall be maintained as a permanent record.

C. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

D. Fines

Any person, including but not limited to landowner, a landowner's agent or a contractor who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A M.R.S.A. Section 4452. Each day the violation exists shall be considered a separate violation. Such persons shall also be liable for court costs and attorney fees incurred by the municipality.

SECTION VI. Non conforming Lots

A. Vacant Non conforming Lots

A vacant and unimproved legally non conforming lot may be built upon provided the lot is in separate ownership and not contiguous with any other lot in the same ownership and that all provisions of this Ordinance can be met except road frontage and lot size. Variance of setback or other requirements not involving lot area or width may be obtained only by action of the Board of Appeals.

B. Non conforming Lots with Structure

A structure which was built or placed on a legally non conforming lot prior to the time when the lot became non conforming may be rebuilt, repaired, improved or replaced in conformity with the dimensional requirements imposed by this Ordinance other than lot area and lot frontage.

C. Contiguous Vacant Lots

If two or more vacant and unimproved contiguous lots were in the same ownership of record at the time of adoption or amendment of this Ordinance, and , if all or part, of these lots does not meet the dimensional requirements imposed by this Ordinance, the lots shall be combined to the extent necessary to meet these standards and no division of the parcel made up of the combined lots shall be made which creates any dimension or area which is less than the requirements established by this Ordinance.

D. Contiguous Built and Vacant Lots

If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

E. Transfer of Ownership

Ownership of legally non conforming lots together with the rights of use created by this section may be transferred to subsequent owners.

F. Illegal Reduction in Dimensions

No lot shall be reduced in any manner that violated the requirements of this Ordinance. If land is subdivided, conveyed, divided or otherwise transferred in violation of this ordinance, no building permit or other municipal permit shall be issued with reference to any of the land or lots so reduced until all such land or lots fulfill the dimensional regulations.

SECTION VII. Dimensional Requirements

A. Single-Family Dwellings

For each single family dwelling and accessory structures (including manufactured housing not located in a mobile home park) constructed or placed, there shall be provided lot area road frontage and setbacks as follows:

1. 30,000 sq. ft. minimum lot area (rights-of-way shall not be used in the calculation of lot size);
2. 125 ft. minimum frontage along a public road;
3. Minimum setbacks for Principal and Accessory Structures
 - a. 25 feet road/street measured from the road right-of-way;

- b. 15 feet side yard; and
 - c. 15 feet rear yard.
- 4. If more than one dwelling is constructed on a single lot, all dimensional requirements including frontage shall be met separately for each such dwelling, notwithstanding other provisions of this Ordinance.

B. Multi-Family Dwellings

For each multi-family dwelling unit, there shall be provided a minimum lot area, road frontage and setbacks as follows:

- 1. 30,000 sq. ft. for the first dwelling unit, and 20,000 sq. ft. per unit for each additional unit. Rights-of-way shall not be used in the calculation of lot size.
- 2. 125 ft. minimum frontage along a public road.
- 3. Minimum setbacks for Principal and Accessory Structures
 - a. 25 feet road/street measured from the road right-of-way;
 - b. 15 feet side yard; and
 - c. 15 feet rear yard.
- 4. Lots of multi-family dwellings shall not exceed a ratio of length (depth) to width (frontage) of 3 to 1 with respect to the area required to satisfy Section VII B. 1.
- 5. Structures existing on the effective date of this ordinance may be converted to multi-family dwellings without regards to lot size provided a permit is issued by the planning board. Before issuing a permit the planning board shall find that off-street parking is provided at a rate of two (2) per unit or one (1) per bedroom; the subsurface sewage disposal system complies with Subsurface Waste water Disposal Rules and can be expanded or replaced; and all applicable local, State and Federal laws and rules are met.

C. Commercial/Industrial/Institutional

For each commercial/industrial/institutional building or complex, there shall be provided lot areas as follows:

- 1. 30,000 sq. ft. minimum lot area
- 2. 125 ft. minimum frontage along a public road;
- 3. Minimum setbacks for Principal and Accessory Structures
 - a. 25 feet road/street measured from the road right-of-way;
 - b. 15 feet side yard; and
 - c. 15 feet rear yard.

SECTION VIII. Back Lots

- A. Back lots may be developed for use if they are or can be provided with a right-of-way, it may be used if the following conditions are met:

If a back lot is accessible only by a legally enforceable right-of-way, it may be used if the following conditions are met:

1. The right-of-way must be a minimum of fifty (50) feet in width.
2. Creation of the 50 foot right-of-way to serve the back lot shall not create a non conforming front lot by reducing such lot's required road frontage below the minimum, or, if the front lot is already non conforming, reduce its road frontage at all. Where the right-of-way is conveyed by easement or irrevocable license, or some grant less than a fee interest, the land over which such servitude is places may not be counted toward meeting road frontage requirements for the front lot.
3. If the right-of-way is brought up to subdivision road standards as set forth in the Town of West Paris Subdivision Regulations further dwellings may be constructed on a back lot with Planning Board approval. For purposes of such approval, the construction of an additional dwelling or dwellings along the right-of-way shall be considered in the same manner and under the same restrictions and requirements as if such construction were a subdivision.

SECTION IX. Appeals

A. Variance Appeals

The Board of Appeals may, upon written application of the affected landowner, grant a variance from the strict application of the Ordinance under the following conditions.

1. The strict application of the terms of this Ordinance would result in undue hardship to the applicant. The term "undue hardship" shall mean:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted;
 - b. that the need for variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - 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.
2. The Board of Appeals may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who is living in the dwelling or regularly uses the dwelling. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access or egress from the dwelling by the person with the disability. The Board may impose conditions on the variance including limiting the variance to the duration of the disability or to the time that person with the disability lives in the dwelling. The term "structures necessary for access and egress from the

property" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

3. Setback Reduction Variance

The Board of Appeals may grant a setback reduction variance provided that the variance request meets the requirements below. A setback reduction variance shall not be considered as a variance to relieve undue hardship as defined in Section IX A.1 above.

Upon granting a setback reduction variance which complies with the standards a.1. below, the Board of Appeals may attach reasonable conditions which it finds necessary to protect the privacy of the abutting property owners and neighbors. These conditions are limited to specifications for landscaping, fencing, parking, and construction materials. The Board shall grant a setback reduction variance as provided herein if the Board finds that the applicant has proved that the reduction, if granted, will meet the following criteria:

- a. The structure is a single family dwelling that is the primary year-round residence of the petitioner;
- b. Any variance granted will not exceed 20 percent of the setback requirement unless the petitioner has obtained written consent from all affected abutting property owners;
- c. The variance will cause the dwelling to exceed the maximum allowable lot coverage;
- d. The need for the variance is due to the unique circumstances of the property and not the general conditions of the neighborhood;
- f. The granting of the variance will not alter the essential character of the locality;
- g. The hardship is not the result of action taken by the applicant or prior owner;
- h. The granting of the variance will not substantially reduce or impair the use of abutting property; and
- i. The granting of the variance is based upon demonstrated need, not inconvenience or no other feasible alternative is available.

B. Administrative Appeals

The Board of Appeals, may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Planning Board or Code Enforcement Officer in the administration of this Ordinance. Such hearings shall be held in accordance with State laws. Following such hearing, the Board of Appeals may reverse the decision of the Code Enforcement Officer or Planning Board only upon a finding that the decision is clearly contrary to specific provisions of this Ordinance.

C. Meetings

The Board of Appeals shall conduct its meetings in accordance with the provisions of 30-A M.R.S.A. Section 2691 as the same may be amended.

D. Appeal to Superior Court

An appeal may be taken within forty-five (45) days after any decision is rendered by the Board of Appeals, by any party to Superior Court in accordance with State laws.

E. Filing of Variances

The applicant for a variance shall record any variance granted by the Board of Appeals in the Oxford County Registry of Deeds within 30 days of the Board's decision. If such certification of variance is not filed within 30 days, the variance shall become invalid.

SECTION X. 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:

1. **Back lot:** Any lot or parcel of land which does not have frontage on a road or lacks the minimum frontage as required.
2. **Commercial:** Provisions of services on the premises, or sale of goods to the general public on a regular basis for a charge or fee and rooms to let.
3. **Contiguous Lots:** Lots which adjoin at any line or point, or are separated at any point by a body of water less than 15 feet wide.
4. **Disability:** Any disability, infirmity, malformation, disfigurement, congenital defect, or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other or sensory impairment which requires special education, vocational rehabilitation or related services.
5. **Industrial:** Any activity which includes the fabrication, servicing, manufacturing, storage, processing or shipping of products.
6. **Institutional:** The use of land or structures by a governmental, educational, religious, medical, charitable, or non-profit organization, either public or private.
7. **Legally Enforceable Right-of-Way:** A right-of-way the description of which is by metes and bounds.
8. **Lot:** A contiguous parcel of land in single or joint ownership described on a deed, plot, plan or similar legal document.
9. **Lot of Record:** A parcel of land in single or joint ownership described on a deed plot or plan and registered at the Oxford County Registry of Deeds on or before the effective date of this Ordinance.
10. **Multi-Family Dwelling:** A building containing two or more dwelling units. The term also includes apartments located in commercial structures containing commercial space as the principal use.

11. **Manufactured Housing:** Structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing. They are:
- (a) Those units commonly called "newer mobile homes", which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, or certification exists as required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et. seq.; and
 - (b) Those units commonly called "modular homes", which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to require utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.
12. **Mobile Home:** Structures, transportable in one or more sections, which, in the traveling mode, are 14 body feet in width and are 750 or more square feet, and which are built on a permanent chassis or designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein; except that the term shall include any structure which meets all the requirements of this paragraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et. seq. or complies with safety standards contained in the 1987 edition of the BOCA National Building Code.
13. **Non conforming Lot of Record:** A lot shown on a plan or deed recorded in Oxford County Registry of Deeds prior to the effective date of this Ordinance or amendment thereto which was legal prior to the adoption of the Ordinance or amendment but which became non conforming with respect to area, frontage, width, or depth requirements as a result of the adoption of this Ordinance or amendment.
14. **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, sleeping, bathing and sanitary facilities: includes single-family houses, seasonal residences, manufactured housing, and units in a duplex, apartment house, multi-family dwellings, and residential condominiums.
15. **Road:** A public way that has been accepted as such and maintained by the Town of West Paris, the State of Maine or the County of Oxford.
16. **Tract or Parcel of Land:** All contiguous land in the same ownership, whether or not the tract is separated at any point by an intermittent or non-navigable stream, or a private road established by the abutting landowners.

WEST PARIS
MOBILE HOME PARK ORDINANCE

SECTION I. Purpose

- A. To promote the orderly development of mobile home parks to insure the health, safety, and general welfare of the residents of the park and the Town of West Paris.

SECTION II. Legislative Authority

A. Authority

1. This ordinance is adopted pursuant to Home Rule Powers as provided for in Article VII-A of the Maine Constitution and Title 30, M.R.S.A., Section 1917.
2. This ordinance shall be known as the Mobile Home Park Ordinance of the Town of West Paris, adopted and effective by vote of the Town Meeting on March, 4, 1984.
(month) (day)

B. Administration

1. The Planning Board of the Town of West Paris shall administer this ordinance.
2. No person shall construct, develop, establish, expand or operate a mobile home park without having first obtained a permit from the Planning Board. A permit shall be granted for a period of one (1) year. If construction is not initiated within the one (1) year period, the permit expires and the applicant must reapply to the Planning Board for another permit. Each permit shall be issued only for the site designated in the plans accompanying the application and shall not be transferable or assignable to any other site.

SECTION III Validity and Severability

A. Validity and Severability

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

SECTION IV Applicability

- A. This ordinance shall apply to all development proposals for new construction of mobile home parks and to any expansion of existing mobile home parks.

SECTION V Application Procedure and Site Plan Content

- A. The Mobile Home Park Application shall consist of an application form and a subdivision plan, (items with an X shall be required in all instances; items without an X may be required at the discretion of the Planning Board). The application form shall be provided by the Planning Board and contain the following information:

1. Information on the Applicant

- ☒ a. Name of Owner.
- ☒ b. Name of Applicant (if other than owner).
- ☒ c. If Applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach a copy of Secretary of State's Registration.
- ☒ d. Name of Applicant's authorized representative.
- ☒ e. Name, address, and number of Registered Professional Engineer, Land Surveyor or Planner who prepared the plan.
- ☒ f. Address to which all correspondence from the Planning Board should be sent.
- ☒ g. What interest does the Applicant have in the parcel to be developed (option, land purchase contract, record ownership, etc.)?
- ☒ h. What interest does the applicant have in any property abutting the parcel to be developed?
- ☒ i. State whether the development covers the entire or contiguous holdings of applicant or not.

2. Information on the Parcel to be Developed

- ☒ a. Location of property: Book and page (from Register or Deeds).
- ☒ b. Location of property: Map and lot (from Assessor's Office).
- ☒ c. Map survey of tract to be developed, certified by a Registered Land Surveyor, tied to established reference points (attached to application form).
- ☒ d. Current zoning of property.
- ☒ e. Acreage of parcel to be developed.

- X f. A soils report prepared by a Licensed Site Evaluator, identifying soil types and location of soil test areas. Based on soil test results, certain modifications of the subdivision may be required (attach a copy of the soils report to the application). There shall be at least one soils test per lot.
- X g. Names of property owners abutting the parcel to be developed, and on the opposite side of the road from the parcel to be developed (show on plat).

B. The Site Plan shall be a map survey of the tract to be developed, certified by a Registered Land Surveyor and tied to established reference points. The plan shall not be less than 18" by 24" and shall be drawn to a scale not greater than 1" equals 100' nor less than 1" equals 400' with contour lines at intervals specified by the Planning Board. At least an original transparency and three copies of the plan shall be provided one each for the Applicant, Planning Board, and Selectmen with the original to be filed in the County Registry of Deed.

1. Information on the Site Plan

- X a. Proposed name of mobile home park.
- X b. Lot numbers.
- X c. Date, north point, graphic map scale (show on plat).
- X d. Proposed lot lines with approximate dimensions and suggested locations of buildings, subsurface sewage disposal systems, and wells (show on plat).
- X e. Location of permanent or temporary markers adequately located to enable the Planning Board to locate lots readily and appraise the basic layout in the field (show on plat).
- X f. Location of all parcels to be dedicated to public use, the conditions of such dedication, and the location of all natural features or site elements to be preserved (show on plat).
- X g. A location map, consisting of a U.S.G.S. Topographical Map, showing the relation of the proposed mobile home park to adjacent properties and to the general surrounding area. The location map shall show all the area within 2,000 feet of any property line of the proposed mobile home park (attach to plan).

- h. Location and size of existing buildings, watercourses, and other essential existing physical features (show on plat).
- i. Location and size of any existing sewers and water mains, and culverts and drains, (show on plat).
- j. Location names and widths of existing and proposed streets, highways, easements, building lines, rights-of-way, parks, and other public open spaces; and lengths of all straight lines, the deflection of angles, radii, length of curves, and central angle of all curves, and tangent distances and bearings of all streets or other public ways proposed by the developer, (show on plat).
- k. Contour lines at intervals of either 5, 10, or 20 feet in elevation, as specified by the Planning board, (show on plat).
- l. Typical cross-sections of proposed grading for roadways, sidewalks, and storm drainage facilities (attach to plan).
- m. A soil erosion and sediment control plan for construction and for permanent control, (attach to plan).
- n. Suitable space to record on the approved plat plan the date and conditions of approval, if any. This space shall be similar to the following example:

Approved	Town of _____	Planning Board
Signed	_____	Chairman
	_____	(space for all
	_____	members to sign)

Date	_____	
Conditions	_____	

C. Accompanying Documents

- X 1. Statement of financial and technical capabilities.
- 2. Statement from the Fire Chief as to the availability of fire hydrants and/or fire ponds.
- 3. Statement from the Sewer and/or Water District or company that they will permit connection into the sewer or water district system.

4. Other information not indicated above, as specified by the Planning Board on the application.

D. Application Procedures

1. Submission of Application

- a. Applications for mobile home park permits shall be submitted to the Chairman of the Planning Board who shall issue to the applicant a dated receipt. Within thirty (30) days from the date of receipt, the Planning Board shall notify the applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to make a complete application. Determination by the Planning Board that the application is complete in no way commits or binds the Planning Board as to the adequacy of the application to meet the criteria of Title 30, M.R.S.A., Section 4956 or of these regulations. The Planning Board shall make a determination as to the completeness of the application. The applicant assumes all responsibility as to its completeness.

2. Public Hearing

- a. In the event that the Planning Board determines to hold a public hearing on the proposed mobile home park, it shall hold such public hearing within 30 days of having notified the applicant in writing that a complete application has been received and shall cause notice of the date, time and place of such hearing to be given to the applicant, all property owners within one thousand (1,000) feet of the boundaries of the mobile home park and published in a newspaper of general circulation in the municipality in which the mobile home park is proposed to be located at least two times; the date of the first publication shall be at least seven (7) days prior to the hearing. The decision to hold a public hearing is discretionary, and in making its

decision, the Planning Board may consider the size and type of mobile home park, the community impact, and whether any written requests for such a hearing have been received. Public hearings shall be conducted in accordance with the procedures in Title 30, M.R.S.A., Section 2411, Subsection 3(a), (b), (c), (d), (e).

3. Planning Board Decision on the Mobile Home Park

- a. The Planning Board shall, within 30 days of a public hearing, or within 60 days of having received a complete application, if no hearing is held, or within such other time limit as may be mutually agreed to, issue an order denying or granting approval of the proposed mobile home park, or granting approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in these regulations and in Title 30, M.R.S.A. Section 4956, and to preserve the public's health, safety, and general welfare. In all instances, the burden of proof shall be upon the applicant. In issuing its decision, the Planning Board shall make a written finding of fact establishing that the proposed mobile home park does or does not meet the provisions of these regulations and Title 30, M.R.S.A., Section 4956.
- b. Upon approval of the mobile home park, a majority of the Board shall sign all four copies of the development plan. The original shall be filed by the applicant with the County Registry of Deeds. One copy shall be retained by the applicant, one copy shall be retained by the Planning Board, and one copy shall be filed with the Selectmen. The Planning Board shall maintain a permanent record of their action on the mobile home park plan.

SECTION VI Minimum Design and Performance Standards

A. Lot Size and Dimension Requirements

1. Each individual mobile home lot in a mobile home park connected to a municipal sewer or a centralized private sewer system shall contain a minimum of 12,000 square feet.

2. Each individual mobile home lot in a mobile home park not connected to a municipal sewer or a centralized private sewer system shall contain a minimum of 20,000 square feet.
3. No mobile home lot shall be less than 100 feet in width nor 120 feet in depth.

B. Setback requirements

1. No mobile home shall be located less than 15 feet from the side and rear lot lines of an individual mobile home lot and there shall be a minimum side and end clearance of 30 feet between adjacent mobile homes.
2. No mobile home shall be located closer than 25 feet to the right-of-way line of a street within the park.
3. A mobile home lot which abutts a lake, pond, river, stream or brook shall have a minimum setback of 100 feet.

C. Mobile Home Stand/Pad

1. Each mobile home lot in a mobile home park shall be provided with a pad or foundation of suitable construction as to prevent heaving, shifting or settling due to frost action.
2. All individual mobile homes shall be equipped with suitable skirting.

D. Streets

1. If the municipality is to be petitioned to accept streets within a proposed mobile home park such streets shall conform to existing design standards for town roads and street.
2. Where streets in a proposed mobile home park are to be maintained by the mobile home park owner, they shall meet the following minimum standards.
 - a. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each lot. Alignment and gradient shall be properly adapted to the sites topography.
 - b. Access to mobile home parks shall be designed to minimize congestion and hazards at the entrances or exits and allow for free movement of traffic on adjacent streets. All street intersections shall be at angles as close to ninety (90) degrees as possible. In no instances shall street intersections be at an angle less than sixty (60) degrees.

- c. Except where topographic or other conditions make a greater length unavoidable, cul-de-sacs or dead-end streets shall not be greater in length than 1,000 feet. They shall be provided at the closed end with a turn-around, having a property line diameter of at least 100 feet and a traveled way radius of at least 35 feet. The use of a T-shaped turnaround will be permitted as an alternative. In the latter case, the turn-around shall be at least 24 feet wide, 40 feet long and shall be located between 50 and 100 feet from the end of the street. All dimensions cited for the T-shaped turnaround are for the traveled way.
- d. All streets in a mobile home park shall have a minimum right-of-way of fifty (50) feet.
- e. All streets in a mobile home park shall be paved with hot bituminous pavement or Cut-Back Asphalt.
- f. Minimum pavement widths in mobile home parks shall be twenty (20) feet.
- g. Reasonable shoulders shall be graded on both sides of every street in a mobile home park.
- h. Adequate provisions shall be made for disposal of all surface water and underground water through ditches, culverts and/or storm water system.
- i. All streets in a mobile home park shall be so designed to discourage through traffic.
- j. All streets to be maintained by park owner.

E. Illumination of Park Streets

- 1. Mobile home park streets shall be illuminated to provide for safe vehicular and pedestrian movement during dark hours.

F. Off Street Parking

- 1 Each mobile home lot in a mobile home park shall be furnished with space for off-street parking for two (2) automobiles.
- 2. An area of 240 square feet shall be considered as 2 off-street parking space.

G. Water Supply

1. An accessible, adequate, safe and potable supply of water shall be provided in each mobile home park.
2. Where a public supply of water of satisfactory quantity, quality, and pressure is available, connection shall be made there too and its supply used exclusively.
3. When a public water supply is not available, a private water supply shall be developed and used subject to approval by the local plumbing inspector and the Department of Human Services.
4. The water supply shall be capable of delivering a minimum of 200 gallons per day to each mobile home with a minimum of 30 pounds per square inch pressure at all time.
5. All elements of the water system shall be designed and constructed in a manner that underground or surface contamination shall not reach the water supply.
6. All elements of the water system shall be so designed and constructed to prevent freezing and heaving.

H. Sewage Disposal

1. All water carried sewage shall be disposed of by means of one of the following:
 - a. Any mobile home park located within 500 feet of an existing public sewer shall connect to that existing public sewer if the municipal system has the capacity to accept the volume of sewage to be produced by the mobile home park.
 - b. Each mobile home lot in a mobile home park shall be served by a centralized private sewer system approved by the Department of Human Services.

- c. Individual subsurface sewage system meeting the requirements of the State Plumbing Code.

I. Electrical Distribution System

- 1. Every mobile home park and each lot within a mobile home park shall be served by an electrical wiring system which shall be installed and maintained in accordance with all applicable State of Maine laws and local codes and regulations governing such system.
- 2. All electrical and telephone distribution facilities shall be located underground.

J. Fuel Supply and Storage

- 1. Natural gas and liquefied petroleum gas systems shall comply with all applicable codes and regulations. Installation of systems shall be subject to inspection and approval by the Code Enforcement Officer.
- 2. All fuel oil supply systems shall be constructed and installed underground in each mobile home lot in accordance with all applicable codes and regulations. Installation of the system shall be subject to inspection and approval of the Code Enforcement Officer.

K. Refuse Disposal

- 1. The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

L. Fire Protection

- 1. The mobile home park shall be subject to any and all existing and future Town fire prevention regulations.
- 2. Each lot shall be legibly marked for identification, and easily accessible to emergency vehicles (permitting fire apparatus to approach within 100 feet).

M. General Requirements

1. Ditches, Catch Basins - The Planning Board may require the installation of ditches, catch basins, piping systems, and other appurtenances for the conveyance, control, or disposal of surface waters. Adequate drainage shall be provided so as to reduce the danger of flooding and erosion.
2. Basement Drainage - If lots are being created to accommodate structures with basements, the subdivider shall show that the basement can be drained by gravity to the ground surface, or storm sewers, if they are required to be installed or that the seasonal high water table is below the level of the basement.
3. Open Space Provisions - The Planning Board may require that a proposed mobile home park design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams, and the preservation of scenic, historic, or environmentally desirable areas.
4. Buffer Strip - The Planning Board may require a buffer strip, such as natural vegetation, when the proposed subdivision will be located adjacent to a use where separation is desirable.
5. Construction Prohibited - No utility installations, no ditching, grading, or construction of roads, no grading of land or lots, and no construction of buildings shall be done on any part of the mobile home park until the application has been prepared, submitted, reviewed, approved, and endorsed as provided for by these regulations, nor until an attested copy of the plan so approved and endorsed has been recorded by the subdivider in the Registry of Deeds. Plans for road construction, grading and ditching should be reviewed by the Road Commissioners for recommendations prior to Planning Board Approval.
6. Conformance with other Laws, Regulations - The proposed mobile home park shall be in conformance with all pertinent local, State, and Federal ordinances, statutes, laws, and regulations. If the proposed mobile home park meets the definition of a subdivision as defined in the Site Location Act, Title 38, M.R.S.A.,

Section 482, the developer must secure the concurrent approval of the Board of Environmental Protection and the Town Planning Board before any construction activity may begin in the subdivision.

7. Plan Revisions After Approval - No changes, erasures, modifications, or revisions shall be made in any mobile home park plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless the plan is first re-submitted and the Planning Board approves any modifications. In the event that the mobile home park plan is recorded without complying with this requirement, the plan shall be considered null and void, and the Planning Board shall institute proceedings to have the plan stricken from the records of the Selectmen and the Registry of Deeds.

SECTION VII General Provisions

- A. Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, or where there are special circumstances of a particular plan, it may waive any of these regulations provided that such waiver will not have the effect of nullifying the purpose of these regulations, the Comprehensive Plan, the Shoreland Zoning Ordinance, or any other ordinance.

SECTION VIII Violation, Enforcement and Fines

- A. Violation and Enforcement: The Planning Board, the Selectmen or the appropriate municipal official, upon a finding that any provision of this ordinance or the condition(s) of a permit issued under this ordinance is being violated, are authorized to institute legal proceedings to enjoin violations of this ordinance.

- B. Fines: A person who violates the provisions of this ordinance or the condition(s) of a permit shall be guilty of a civil violation, and on conviction shall be fined not less than \$100 nor more than \$2,500 for each day such violation continues. The violator shall also be liable for court costs and reasonable attorney fees incurred by the municipality.

SECTION IX Appeals

- A. If the Planning Board disapproves an application or grants approval with conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the ordinance do not apply, or that the true intent and meaning of the ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party may appeal the decision to the West Paris Board of Appeals within thirty (30) days from the Planning Board's final decision in accordance with Title 30, M.R.S.A. Section 2411.

SECTION X Amendments

- A. This ordinance may be amended by a majority vote of the Town Meeting. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectmen to the Planning Board or on petition of 10% of the votes cast in the last gubernatorial election in the Town. The Planning Board shall conduct a public hearing on any proposed amendment.

SECTION XI Definitions


A. Mobile Home

1. Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in the traveling mode are 12 body feet, or more in width and are 650 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings with or without permanent foundations, when connected to the required utilities, including the plumbing heating, air conditioning and electrical systems contained therein; except that the term shall include any structure which meets all the requirements of this paragraph,

except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et. seq.

- B. Mobile Home Park is defined as a parcel or adjoining parcel of land under single ownership, which has been planned and improved for the placement of 3 and not more than 30 mobile homes per parcel, for non transient use.
- C. Mobile Home Lot is defined as a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
- D. Mobile Home Stand/Pad is defined as that part of an individual lot that has been reserved for the placement of the mobile home.
- E. Planning Board shall mean the West Paris Planning Board.
- F. Person shall mean any individual, group of individuals, firm, corporation, association, partnership or private or public entity, including a district, county, city, town or other governmental unit or agent thereof; and, in the case of a corporation, any individual having active and general supervision of the properties of such corporation.

ATTEST: a true copy of an ordinance entitled
"West Paris Mobile Home Park Ordinance" as
certified to me by the Municipal Officers of West Paris on
the 14th day of February, 1986.
A True Copy. ATTEST


Gwendolyn A. Ellingwood
Town Clerk
West Paris, Maine

2/14/86

TOWN OF WEST PARIS PARKING ORDINANCE

No person shall park or leave standing, any vehicle, whether attended or unattended, upon the paved or improved or main traveled portion of any street or way in the Town of West Paris.

The Municipal Officers, with respect to highways under their jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway within the Town of West Paris. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restriction stated on such signs.

An officer may cause any vehicle so parked on any way so as to interfere with or hinder the removal of snow or the normal movement of traffic to be removed from the way and placed in a suitable parking place, at the expense of the owner of such vehicle. Neither the Municipal Officers or the officer shall be liable for any damage that may be caused by such removal.

There shall be no all night parking on any street or public way in the Town of West Paris, during the period November 15th each year to April 15th of each year.

No person shall henceforth park any vehicle on:

- A. The southerly side of Park Street.
- B. The northerly side of Main Street from the intersection of Church Street to the easterly side end of the High School lot.
- C. The westerly side of Church Street from its intersection with Main Street to the northerly corner of the homestead premises of Maynard Chase.
- D. The westerly side of Maple Street from its intersection with Main Street to Bell Minerals Company.

Park Street Extension shall have one-way traffic from East to West.

Adopted by the Municipal Officers – January 27, 1966

Enacted: March 1973

Amended: March 1995

ESTABLISHMENT OF WEST PARIS PLANNING BOARD ORDINANCE

1. Establishment. Pursuant to M.R.S.A. Const. Art. VIII-A and 30 M.R.S.A. 1917, the town of West Paris hereby establishes the Planning Board.
2. Appointment.
 - a. Appointments to the board shall be made by the municipal officers.
 - b. The board shall consist of 5 members and 2 associate members.
 - c. The term of office of each member and associate member shall be 3 years.
 - d. When there is a permanent vacancy, the municipal officers shall within 60 days of its occurrence appoint a person to serve for the unexpired term.
 - e. Not more than 1 municipal officer may serve as a member or associate member.
 - f. Not more than 2 non-residents of the Town of West Paris may serve as a member or associate member.
3. Organization and Rules.
 - a. The board shall elect a chairman and a secretary from among its members and create and fill such other offices as it may determine. The term of all offices shall be 1 year with eligibility for re-election.
 - b. When a member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the chairman, the chairman shall designate an associate member to sit in his stead.
 - c. An associate member may attend all meetings of the board and participate in its proceedings, but may vote only when he has been designated by the chairman to sit for a member.
 - d. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.
 - e. No meeting of the board shall be held without a quorum consisting of 4 members or associate members authorized to vote.
 - f. The board shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable time.
4. Duties/powers.
 - a. The board shall prepare a Comprehensive Plan as defined by 30 M.R.S.A. 4961. A comprehensive plan that is adopted by the board shall control until superseded by provisions adopted by the town legislative body.
 - b. The board shall perform such duties and exercise such powers as are provided by town ordinance and the laws of the State of Maine.
 - c. The board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

SHORELAND ZONING ORDINANCE

FOR THE

MUNICIPALITY OF WEST PARIS

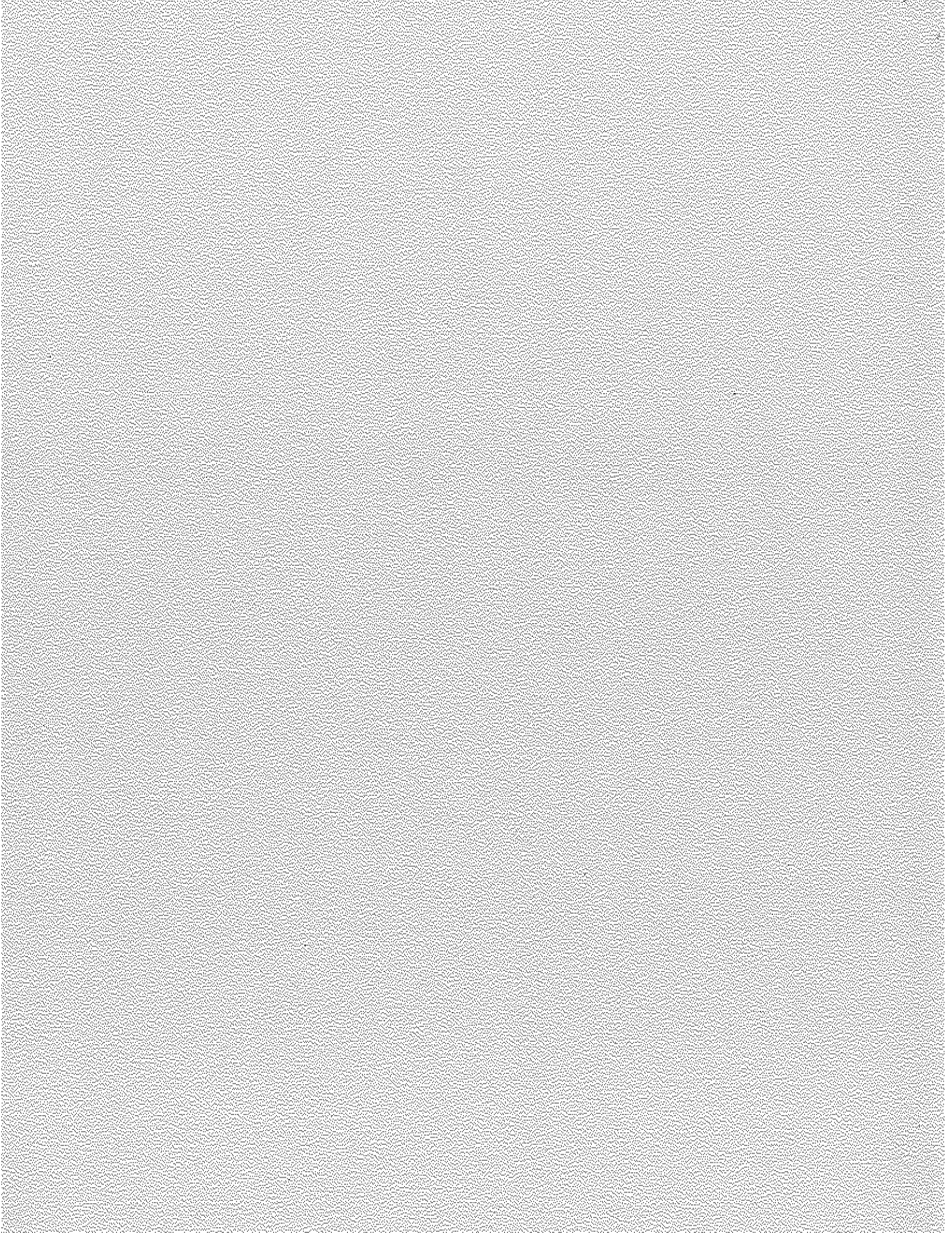


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Shoreland Zoning Ordinance for the Municipality of WEST PARIS

Section 1. Purposes

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

Section 2. Authority

This Ordinance has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

Section 3. Applicability

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond, river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over, or abutting a dock, wharf, or pier, or other structure extending beyond the normal high-water line of a water body or within a wetland. All reference to saltwater bodies or coastal is not applicable to this Ordinance.

Section 4. Effective Date and Repeal of Formerly Adopted Ordinance

This Ordinance, which was adopted by the municipal legislative body on March 6, 2004, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance within forty-five (45) days of his/her receipt of the Ordinance, it shall be automatically approved. Upon approval of this Ordinance, the shoreland zoning ordinance previously adopted on March 5, 1991 is hereby repealed.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, if the Ordinance is approved by the Commissioner.

Section 5. Availability

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

Section 6. Severability

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

Section 7. Conflicts with Other Ordinances

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

Section 8. Amendments

This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commission of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

Section 9. Districts and Zoning Map

A. Official Shoreland Zoning Map

The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map which is made a part of this Ordinance.

1. Resource Protection
2. Limited Residential
3. Limited Commercial
4. General Development
5. Stream Protection District

B. Certification of Official Shoreland Zoning Map

The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office.

C. Changes to the Official Shoreland Zoning Map

If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

Section 10. Interpretation of District Boundaries

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

Section 11. Land Use Requirements

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

Section 12. Non-conformance

A. Purpose

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this section.

B. General

1. **Transfer of Ownership:** Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

2. **Repair and Maintenance:** This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

NOTE: See Section 17 for the definitions of non-conforming structures, non-conforming uses and non-conforming lots.

C. Non-conforming Structures

1. **Expansions:** A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure, and is in accordance with subparagraphs (a) and (b) below.
 - a. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure.
 - b. Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided:
 - i. The structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in subsection 2 Relocation, below;
 - ii. The completed foundation does not extend beyond the exterior dimensions of the structure; and
 - iii. The foundation does not cause the structure to be elevated by more than three (3) additional feet.
2. **Relocation:** A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the

applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

3. **Reconstruction or Replacement:** Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

Any non-conforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit, from the Planning Board.

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board shall consider in addition to the criteria in paragraph 2 above, the physical condition and type of foundation present, if any.

4. **Change of Use of a Non-conforming Structure:** The use of a non-conforming structure may not be changed to another use unless the Planning Board after receiving a written application determines that the new use will have no greater adverse impact on the water body or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding

the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

D. Non-conforming Uses

1. **Expansions:** Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section 12(C)(1)(a) above.
2. **Resumption Prohibited:** A lot, building, or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
3. **Change of Use:** An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12 (C) (4) above.

E. Non-conforming Lots

1. **Non-conforming Lots:** A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.
2. **Contiguous Built Lots:** If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together,

provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced laws and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

3. **Contiguous Lots - Vacant or Partially Built:** If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

- a. Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or
- b. Any lots that do not meet the frontage and lot size requirements of subparagraph a. are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

Section 13. Establishment of Districts

A. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial or General Development Districts.

1. Areas within 250 feet, horizontal distance, of the upland edge of fresh-

water wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of January 1, 1973.

NOTE: The Natural Resources Protection Act, Title 38 Sections 480-A through 480-S, requires the Department of Environmental Protection to designate areas of "significant wildlife habitat". Significant wildlife habitat includes:

Habitat for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic Sea run salmon as defined by the Atlantic Sea Run Salmon Commission; and shorebird nesting, feeding and staging areas and seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife.

As these areas are mapped and development standards are established, municipalities should incorporate such areas and standards into their locally adopted ordinances.

2. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100 year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in absence of these, by soil types identified as recent flood plain soils.
3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during normal spring high water.
5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

NOTE: Municipalities may also include the following other areas which have been recommended for protection in the comprehensive plan of the municipality such as:

- a. Other important wildlife habitat;
- b. Natural sites of significant scenic or esthetic value;
- c. Areas designated by federal, state or municipal governments as natural areas of significance to be protected from development; and
- d. Other significant areas which should be included in this district to fulfill the purposes of this Ordinance, such as, but not limited to, existing public access areas and certain significant archaeological and historic sites deserving of long-term protection as determined by the municipality after consultation with the Maine Historic Preservation Commission.

B. Limited Residential District

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District or the General Development District.

C. Limited Commercial District

The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development District. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. General Development District

The General Development District includes the following types of areas:

- 1. Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
 - a. Areas devoted to manufacturing, fabricating, or other industrial activities;
 - b. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and

- c. Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.
2. Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

Portions of the General Development District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.

In areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds classified GPA, and adjacent to rivers which flow to great ponds classified GPA.

NOTE: See definition of "great pond classified GP" in Section 17.

E. Stream Protection District

The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond or river, or within two-hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

Section 14. Table of Land Uses

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

Yes: Allowed (no permit required but the use must comply with all applicable land use standards.)

No: Prohibited

PB: Requires permit issued by the Planning Board

CEO: Requires permit issued by the Code Enforcement Officer

LPI: Requires permit issued by the Local Plumbing Inspector

Abbreviations:

RP: Resource Protection

LR: Limited Residential

GD: General Development

SP: Stream Protection

LC: Limited Commercial

The following notes are applicable to the Land Uses Table on the following page:

NOTE: The term "functionally water-dependent use" as defined, includes a very diverse group of uses ranging from large, industrial facilities that use water for cooling, and public shorefront parks. Communities are encouraged to define the functionally water-dependent uses which are to be permitted and which are prohibited, based on considerations of prevailing existing uses, desired future uses, available support facilities, site suitability and compatibility with adjacent uses. A municipality can narrow the range of permitted uses by precluding certain functionally water-dependent uses, or by adopting conditional uses for certain functionally water-dependent uses that it determines would only be compatible with its plan for the waterfront under certain conditions.

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICT					
	SP	RP	LR	LC	GD	CFMA
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes	yes
3. Forest management activities except for timber harvesting	yes	yes	yes	yes	yes	yes
4. Timber harvesting	yes	CEO	yes	yes	yes	yes
5. Clearing of vegetation for approved construction and other allowed uses	CEO	CEO 1	yes	yes	yes	yes
6. Fire prevention activities	yes	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes	yes
8. Soil and Water conservation practices	yes	yes	yes	yes	yes	yes
9. Mineral exploration	no	yes 2	yes 2	yes 2	yes 2	yes 2
10. Mineral extraction including sand and gravel extraction	no	PB 3	PB	PB	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes	yes	yes
12. Emergency Operations	yes	yes	yes	yes	yes	yes
13. Agriculture	yes	PB	yes	yes	yes	yes
14. Aquaculture	PB	PB	PB	yes	yes	yes
15. Principal structures and uses						
A. One and two family residential	PB 4	PB 9	PB	PB	PB	no
B. Multi-unit residential	no	no	PB	PB	PB	no
C. Commercial	no	no	no	PB	PB	PB 5
D. Industrial	no	no	no	no	PB	PB 5
E. Governmental and Institutional	no	no	no	PB	PB	PB 5
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB 4	PB	PB	PB	PB	PB 5
16. Structures accessory to allowed uses	PB 4	PB	PB	PB	PB	yes
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland						
a. Temporary	CEO	CEO	CEO	CEO	CEO	CEO
b. Permanent	PB	PB	PB	PB	PB	PB 5
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI	no
19. Home occupations	PB	no	PB	PB	yes	yes
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI
21. Essential services	PB 6	PB 6	PB	PB	PB	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO	CEO 5
24. Individual, private campsites	CEO	CEO	CEO	CEO	CEO	CEO
25. Campgrounds	no	no 7	PB	PB	PB	no
26. Road & driveway construction	PB	no 8	PB	PB	PB	PB 5
27. Parking facilities	no	no 7	PB	PB	PB	PB 5
28. Marinas	PB	no	PB	PB	PB	PB
29. Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes	yes
30. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO
31. Signs	yes	yes	yes	yes	yes	yes
32. Uses similar to allowed uses	PB	PB	PB	PB	PB	PB
33. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB

} repeated

1In RP not permitted within 75 feet of the normal high-water line of great ponds, except to remove safety hazards.

2Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

3In RP not permitted in areas so designated because of wildlife value.

4Provided that a variance from the setback requirement is obtained from the Board of Appeals.

5Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).

6See further restrictions in Section 15(L)(2) on page 22.

7Except when area is zones for resource protection due to flood plain criteria in which case a permit is required from the PB.

8Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the PB.

9Single family residential structures may be allowed by special exception only according to the provisions of Section 16E, Special Exceptions. Two-family residential structures are prohibited.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to Title 38 M.R.S.A., Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- B. Draining or otherwise dewatering; or
- C. Any construction or alteration of any permanent structure.

Section 15. Land Use Standards

All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

	Minimum lot area (sq. ft.)	Minimum Shore Frontage (ft.)	Minimum Road Frontage (ft.)
1.			
a. Residential per dwelling unit	40,000	200	125
b. Governmental, Institutional, Commercial or Industrial Per Principal Structure	60,000	300	125
c. Public and Private Recreational Facilities	40,000	200	125
2.	Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.		
3.	Lots 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 after Sept. 22, 1971.		
4.	The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.		

5. If more than one residential dwelling unit, or more than one principal commercial or industrial structure is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure.

NOTE: Municipalities may include provisions for clustered housing within the shoreland zone provided that the overall dimensional requirements, including frontage and lot area per dwelling unit, are met. When determining whether dimensional requirements are met, only land area within the shoreland zone shall be considered.

B. Principal and Accessory Structures

1. All new principal and accessory structures shall be set back at least one hundred (100) feet from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development District the setback from the normal high-water line shall be at least twenty-five (25) feet.

In addition:

- a. The water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
- b. All principal structures along Significant River Segments as listed in Title 38 M.R.S.A., Section 437, shall be set back a minimum of one hundred and twenty-five (125) feet from the normal high-water line and shall be screened from the river by existing vegetation. This provision does not apply to structures related to hydropower facilities.

NOTE: The Planning Board may increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this ordinance. Instances where a greater setback may be appropriate include, but not be limited to: areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
3. The first floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.
4. The total area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District adjacent to rivers which do not flow to great ponds classified GPA, where lot coverage shall not exceed seventy (70) percent.
5. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width, that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protections pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
2. The location shall not interfere with existing developed or natural beach areas.
3. The facility shall be located so as to minimize adverse effects on fisheries.
4. The facility shall be no larger in dimension than necessary to carry on the

activity and be consistent with existing conditions, use, and character of the area.

5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
7. Except in the General Development District structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

NOTE: Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., Section 480-C.

D. Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual-Private Campsites

Individual, private campsites not associated with campgrounds are permitted provided the following conditions are met:

1. One campsite per lot existing on the effective date of the Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform shall be set back one hundred (100) feet from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
3. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.
4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1,000) square feet.
5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

1. Auto washing facilities
2. Auto or other vehicle service and/or repair operations, including body shops
3. Chemical and bacteriological laboratories
4. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
5. Commercial painting, wood preserving, and furniture stripping
6. Dry cleaning establishments
7. Electronic circuit assembly
8. Laundromats, unless connected to a sanitary sewer
9. Metal plating, finishing, or polishing
10. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
11. Photographic processing
12. Printing

G. Parking Areas

1. Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities, in Districts other than the General Development District may be reduced to no less than fifty (50) feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.
2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.
3. In determining the appropriate size of proposed parking facilities, the following shall apply:
 - a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - b. Internal travel aisles: Approximately twenty (20) feet wide.

H. Roads and Driveways

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

1. Roads and driveways shall be set back at least one hundred (100) feet from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than fifty (50) feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet for each five (5) percent increase in slope above twenty (20) percent.

This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline due to an operational necessity.

2. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body.
3. New permanent roads are not permitted within the shoreland zone along Significant River Segments except:
 - a. To provide access to structures or facilities within the zone; or
 - b. The applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.
4. New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

5. Road banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection Q.
6. Road grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.
7. In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Road surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
8. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:
 - a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

Road Grade (percent)	Spacing (feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

- b. Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.
 - c. On road sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle down slope from a line perpendicular to the centerline of the road.

- d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
9. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

L. Signs

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts:

1. Signs and billboards relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Billboards and signs relating to goods or services not sold or rendered on the premises shall be prohibited.
2. Name signs shall be permitted, provided such signs shall not exceed two (2) signs per premises.
3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
4. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
5. Signs relating to public safety shall be permitted without restriction.
6. No sign shall extend higher than twenty (20) feet above the ground.
7. Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

K. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules).

NOTE: The Rules, among other requirements, include:

- a. The minimum setback for new subsurface sewage disposal systems, shall be no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.
- b. Replacement systems shall meet the standards for replacement systems as contained in the Rules.

L. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
2. The installation of essential services is not permitted in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

M. Mineral Exploration and Extraction

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of paragraph 4 below.
2. Unless authorized pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A., Section 480-C no part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within seventy-five (75) feet of any property line, without written permission of the owner of such adjacent property.
3. Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.
4. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

NOTE: The State of Maine Solid Waste Laws, Title 38, Maine Revised Statutes Annotated, Section 1310 and Chapter 404 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.

- b. The final graded slope shall be two to one (2:1) slope or flatter.
- c. Topsoil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

5. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

1. All spreading or disposal of manure shall be accomplished in conformance with the Maine Guidelines for Manure and Manure Sludge Disposal on Land published by the University of Maine Soil and Water Conservation Commission in July, 1972.
2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond, classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. Within five (5) years of the effective date of this ordinance all manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. Existing facilities which do not meet the setback requirement may remain, but must meet the no discharge provision within the above five (5) year period.
3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading disposal or storage of manure within the shoreland zone shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

NOTE: Assistance in preparing a soil and water conservation plan may be available through the local Soil and Water Conservation District office.

4. There shall be no new tilling of soil within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies, nor within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
5. After the effective date of this Ordinance, newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified

GPA; within seventy-five (75) feet, horizontal distance of other water bodies, nor; within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan.

O. Timber Harvesting

1. In a shoreland area zoned for Resource Protection abutting a great pond, timber harvesting shall be limited to the following:
 - a. Within the strip of land extending 75 feet inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:
 1. The ground is frozen;
 2. There is no resultant soil disturbance;
 3. The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
 4. There is no cutting of trees less and 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 1/2 feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and
 5. A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.
 - b. Beyond the 75 foot strip referred to in paragraph a. above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 4 1/2 inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.
2. Except in areas as described in Paragraph 1 above, timber harvesting shall conform with the following provisions:
 - a. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:

*repealed
3/7/2009*

repealed
3/7/2009

- i. Within one hundred (100) feet, horizontal distance of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
- ii. At distances greater than one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5,000) square feet they shall be at least one hundred (100) feet apart. Such clearcut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.
- b. Timber harvesting operations exceeding the 40% limitation in paragraph a. above, may be allowed by the Planning Board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The Planning Board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the Planning Board's decision.
- c. No accumulation of slash shall be left within fifty (50) feet of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body shall be removed.
- d. Timber harvesting equipment shall not use stream channels as travel routes.

- e. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- f. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
- g. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet from the normal high-water line of a water body or upland edge of a wetland.

repealed
3/7/2009

P. Clearing of Vegetation for Development

1. Within a shoreland area zoned for Resource Protection abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection District the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

2. Except in areas as described in Paragraph 1, above, and except to allow for the development of permitted uses, within a strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

- a. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten (10) feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond classified GPA, or stream or river flowing to a great pond classified GPA, the width of the foot path shall be limited to six (6) feet.
- b. Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. For the purposes of this section a "well-distributed stand of trees and other vegetation" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 12 or more in any 25-foot by 25-foot square (625 square feet) area as determined by the following rating system.

Diameter of Tree at 4 1/2 feet Above Ground Level (inches)	Points
2 - 4	1
> 4 - 12	2
>12	4

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees and other vegetation" is defined as maintaining a minimum rating score of 8 per 25-foot square area.

NOTE: As an example, adjacent to a great pond, if a 25-foot x 25-foot plot contains three (3) trees between 2 and 4 inches in diameter, three trees between 4 and 12 inches in diameter, and three trees over 12 inches in diameter, the rating score is:

$$(3 \times 1) + (3 \times 2) + (3 \times 4) = 21 \text{ points}$$

Thus, the 25-foot by 25-foot plot contains trees worth 21 points. Trees totaling 9 points ($21 - 12 = 9$) may be removed provided that no cleared openings are created.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

- c. In order to protect water quality and wildlife habitat, adjacent to great ponds classified GPA, and streams and rivers which flow to great ponds classified GPA, existing vegetation under three (3) feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described in paragraphs 2 and 2a. above.
- d. Pruning of tree branches, on the bottom 1/3 of the tree is permitted.
- e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

The provisions contained in paragraph 2 above shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

- 3. At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, 25% of the lot area or ten thousand (10,000) square feet, whichever is greater, including land previously developed. This provision shall not apply to the General Development.

- 4. Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but shall not be enlarged, except as permitted by this Ordinance.

5. Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

Q. Erosion and Sedimentation Control

1. All activities which involve filling, grading, excavation other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. This plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - a. Mulching and re-vegetation of disturbed soil.
 - b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - c. Permanent stabilization structures such as retaining walls or riprap.
2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

- c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- 5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

R. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

S. Water Quality

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body.

T. Archaeological Site

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

NOTE: Municipal officials should contact the Maine Historic Preservation Commission for the listing and location of Historic Places in their community.

Section 16. Administration

A. Administering Bodies and Agents

1. **Code Enforcement Officer:** A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.
2. **Board of Appeals:** A Board of Appeals shall be created in accordance with the provisions of Title 30-A Section 2691.
3. **Planning Board:** A Planning Board shall be created in accordance with the provisions of State law.

B. Permits Required

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use.

A permit is not required for the replacement of an existing road culvert as long as:

1. The replacement culvert is not more than 25% longer than the culvert being replaced;
2. The replacement culvert is not longer than 75 feet; and
3. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the water course.

C. Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
2. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is

not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.

3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
4. If the property is not served by a public sewer, a valid septic permit or a completed application for a septic permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a sub-surface sewage disposal system.

D. Procedure for Administering Permits

Within 35 days of the date of receiving written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve and application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland waters;

6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will avoid problems associated with flood plain development and use; and
8. Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any State law which the municipality is responsible for enforcing.

E. Special Exceptions

In addition to the criteria specified in Section 16.D. above, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

1. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
2. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
3. The proposed location of all buildings, sewage disposal systems and other improvements are:
 - a. Located on natural ground slopes of less than 20%; and
 - b. Located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with any applicable municipal floodplain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year floodplain.

4. The total ground-floor area of all principal and accessory structures is limited to a maximum of 1,500 square feet.
5. All structures, except functionally water-dependent structures, are set back from the normal high-water line or upland edge of a wetland to the greatest practical extent, but not less than 75 feet. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit

Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within one year of the date of the permit, the permit shall lapse and become void.

G. Installation of Public Utility Service

A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance, has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

H. Appeals

1. Powers and Duties of the Board of Appeals

The Board of Appeals shall have the following powers:

- a. **Administrative Appeals:** To 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 this Ordinance.
- b. **Variance Appeals:** To authorize variances upon appeal, within the limitations set forth in this Ordinance.

2. Variance Appeals

Variances may be permitted only under the following conditions:

- a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
- b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- c. The Board shall not grant a variance unless it finds that:
 - (1) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - (2) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
 - i. That the land in question cannot yield a reasonable return unless a variance is granted;
 - ii. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - iii. That the granting of a variance will not alter the essential character of the locality; and
 - iv. That the hardship is not the result of action taken by the applicant or a prior owner.
- d. The Board of Appeals may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. The term "structures necessary for access to or egress from the property"

shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

- e. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- f. A copy of all variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection within fourteen (14) days of the decision.

3. Appeal Procedure

a. Making an Appeal

- (1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (2) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - i. A concise written statement indicating what relief is requested and why it should be granted.
 - ii. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- (3) 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.
- (4) The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

b. Decision of Board of Appeals

- (1) A majority of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- (2) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse and order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
- (3) The person filing the appeal shall have the burden of proof.
- (4) The Board shall decide all appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
- (5) All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefor, and the appropriate order, relief or denial thereof.

4. Appeal to Superior Court

Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

5. Reconsideration

The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

I. Enforcement

1. Nuisances

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

2. Code Enforcement Officer

- a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
- b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
- c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.

3. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal struc-

ture or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. Fines

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

NOTE: Current penalties include fines of not less than \$100 nor more than \$2500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to \$5000.

Section 17. Definitions

Accessory structure or use: a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

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

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

Aquaculture: the growing or propagation of harvestable freshwater or estuarine plant or animal species.

Basal Area: the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Basement: any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Boat Launching Facility: a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Campground: any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Commercial use: the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

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

Disability: any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

Driveway: a vehicular access-way less than five hundred (500) feet in length serving two lots or less.

Emergency operations: operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

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

Expansion of a structure: an increase in the floor area or volume of a structure; including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

Expansion of use: the addition of one or more months to a use's operating season, or the use of more floor area or ground area devoted to a particular use.

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

Floodway: the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

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

*repealed
3/7/2009*
~~Forest management activities: timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.~~

Forested wetland: a freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller.

Foundation: the supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts or frostwalls.

Freshwater wetland: freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of 10 or more contiguous acres; or less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface 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.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Functionally water-dependent uses: those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that can not be located away from these waters. The uses include, but are not limited to recreational fishing and boating facilities, excluding recreational boat storage buildings, waterfront dock facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses requiring large volumes of cooling or processing water that can not

reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters.

Great pond: any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which as a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Great pond classified GPA: any great pond classified GPA, pursuant to Title 38 Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

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

Home occupation: and occupation or profession which is customarily conducted on or in a residential structure or property and which is:

1. clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and
2. which employs no more than two (2) persons other than family members residing in the home.

Increase in non-conformity of a structure: any change in a structure or property which causes further deviation from the dimensional standard(s) creating the non-conformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of non-conformance of the existing structure shall not be considered to increase non-conformity. For example, there is no increase in non-conformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing non-conforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body or wetland than the closest portion of the existing structure from that water body or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual private campsite: an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to gravel pads, parking areas, fire places, or tent platforms.

Industrial: the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Lot area: the area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

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

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

Mineral exploration: hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral extraction: any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Minimum lot width: the closest distance between the side lot lines of a lot.

Multi-unit residential: a residential structure containing three (3) or more residential dwelling units.

Non-conforming lot: a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

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

Non-conforming use: use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal high-water line: that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

Person: an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland:

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Principal structure: a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal use: a use other than one which is wholly incidental or accessory to another use on the same premises.

Public facility: any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent flood plain soils: the following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial	Charles	Cornish	Fryeburg	Haley
Limerick	Lovewell	Medomak	Ondawa	Podunk
Rumney	Saco	Suncook	Sunday	Winooski

Recreational facility: a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational vehicle: a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be

considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system: a system intended to replace:

1. an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or
2. any existing overboard wastewater discharge.

~~Residual basal area: the sum of the basal area of trees remaining on a harvested site.~~

*repealed
3/7/2009*

Residential dwelling unit: a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

Riprap: rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River: a free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

Road: a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

Service drop: any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. In the case of electric service
 - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 - b. the total length of the extension is less than one thousand (1,000) feet.
2. In the case of telephone service
 - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or

- b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback: the nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage: the length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.

Shoreland zone: the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream.

Significant River Segments: See Title 38 M.R.S.A. Sec. 437.

Stream: a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area.

Structure: anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes.

Substantial start: completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system: a collection of treatment tank(s), disposal area(s), holding tank(s) and ponds(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA Chapter 13, subchapter 1.

Sustained slope: a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Timber harvesting: the cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

Tributary stream: a channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Upland edge: the boundary between upland and wetland.

Vegetation: all live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 above ground level.

Volume of a structure: the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body: any great pond, river or stream.

Water crossing: any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings.

Wetland: a freshwater wetland.

Wetlands associated with great ponds and rivers: wetlands contiguous with or adjacent to a great pond or river, and which during normal high-water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high-water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

TOWN OF WEST PARIS SPECIAL AMUSEMENT ORDINANCE

ARTICLE 1

Title, Purpose & Definitions

Section 101. TITLE

This Ordinance shall be known and may be cited as the Special Amusement Ordinance of the Town of West Paris, Maine.

Section 102. PURPOSE

The purpose of this ordinance 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 28 M.R.S.A. section 702.

Section 103. DEFINITIONS

103.1 Entertainment

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

103.2 Licensee.

For the purposes of this Section, "licensee" shall include the holder of a license issued under the Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation, or other legal entity, or any agent, or employee of any such licensee.

ARTICLE II

General

Section 201. Permit Required

No licenses 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.

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.

No Permit shall be issued for any thing, or act, or premises, if the premises and building to be used for the purposes do not fully comply with all Ordinances, Articles, Bylaws, or Rules and Regulations of the Municipality or State.

The fee for a Special Amusement Permit shall be ~~\$10.00~~ \$25.00.

The Municipal Officers shall, prior to granting a permit and after reasonable notice to the Municipality and the applicant, hold a public hearing within 30 days of the date of the request was received, at which the testimony of the applicant and that of any interested members of the public shall be received.

The Municipal Officers shall grant a Permit unless they find that 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.

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

Section 202. INSPECTIONS

Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a Special Amusement Permit are provided for or required by 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 requesting the same sufficient samples of the material or commodity for analysis.

In addition to any other penalty which may be provided, the Municipal Officers may revoke the Special amusement Permit of any licensee in the Municipality who refuses to permit any such Officer, Official, or Employee to make an inspection or take sufficient samples for analysis, or who interferes with such Officer, Official, or Employee while in the performance of his duty. Provided, that no license of 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.

Section 203. SUSPENSION OR REVOCATION OF A 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 Ordinance 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 Ordinance, Articles, Bylaws, or Rules and Regulations.

Section 204. RULES AND REGULATIONS

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. Such Rules and Regulations shall be additional to and consistent with all sections of this Ordinance.

Section 205. PERMIT AND APPEAL PROCEDURES

205.1 Any licensee requesting a Special Amusement Permit from the Municipal Officers shall be notified in writing of their decision no later than thirty (30) days from the date his request was received. In the event that a licensee is denied a permit, the licensee shall be provided with the 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.

205.2 Any licensee requesting a Special Amusement 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 30 M.R.S.A. section 2411. 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 not based by a preponderance of the evidence on a violation of any Ordinance, Article, Bylaw, or Rule or Regulation of the Municipality.

Section 206. ADMISSION

A licensed Hotel, Class A Restaurant, Class A Tavern or Restaurant malt, spirituous or Vinous liquor licensee who has been issued a Special Amusement Permit may charge admission in designated areas approved by the Municipal Special Amusement Permit.

ARTICLE III

Penalty, Separability & Effective Date

Section 301. PENALTY

Whoever violates any of the provisions of the provisions of this Ordinance shall be punished by a fine of not more than Fifty Dollars (\$50.00) for the first offense, and up to One Hundred Dollars (\$100.00) for subsequent offenses, to be recovered, on complaint, to the use of the Town of West Paris.

Section 302. SEPARABILITY

The invalidity of any provision of this Ordinance shall not invalidate any other part.

Section 303. EFFECTIVE DATE

The effective date of this Ordinance shall be January 20, 1983.

ATTEST; A TRUE COPY

Hugo A. Heikkinen
Clarence R. Reid
Gordon A. Doughty

SUBDIVISION ORDINANCE

for
the Town of

WEST PARIS, MAINE

1989

Adopted As Read, THE ENCLOSED FORM,
BY THE VOTE OF THE REGISTERED VOTERS,
AT THE ANNUAL TOWN MEETING ON MARCH 7,
1989 AT THE WEST PARIS FIRE STATION.

Dian P. Stimson
DIAN P. STIMSON
TOWN CLERK

A TRUE COPY ATTEST:

Dian P. Stimson
Town Clerk
Town of West Paris
February 24, 1989

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SUBDIVISION ORDINANCE FOR THE TOWN OF WEST PARIS, MAINE

Section I. Purpose

The purpose of this Ordinance shall be to assure the comfort, health, safety, and general welfare of the people, to protect the environment, maintain character and to provide for the orderly development of a sound and stable community in a manner consistent with the Comprehensive Plan. This Ordinance also has the purpose of providing uniform procedures and standards for observance by the Planning Board, other officers of the Town and developers in regulating subdivisions in the Town of West Paris.

Section II. Authority and Administration

A. Authority

1. This Ordinance is adopted pursuant to Home Rule Powers and consistent with Title 30, M.R.S.A., Sections 2151A and 4956, and as hereafter amended.
2. This Ordinance shall be known and cited as the "Subdivision Ordinance for the Town of West Paris, Maine".
3. Upon adoption of this Ordinance, all previous Subdivision Regulations or Ordinances shall be repealed.

B. Administration

1. The Planning Board, hereafter known as the Board for the Town of West Paris, shall administer this Ordinance.
2. The provisions of this Ordinance shall apply to all of the land area of all proposed subdivisions, as defined, as well as the expansion of all previously approved subdivisions, as defined, located in the Town of West Paris. The provisions of this Ordinance shall not apply to all subdivisions approved prior to the adoption of this Ordinance.
3. No person, firm, corporation or other legal entity may sell, lease, develop, build upon or convey for consideration, offer or agree to sell, lease, develop, build upon or convey for consideration any land in a subdivision which has not received Board approval and which has not been recorded in the Registry of Deeds and with the Town Clerk of West Paris. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot in a subdivision which has not received Board approval and which has not been recorded in the Registry of Deeds and with the Town Clerk of West Paris.. A Subdivision Plan recorded without Board approval shall be void. Any person who violates any provision of this Ordinance shall be fined a minimum of one hundred dollars (\$100) and a maximum of Two Thousand Five Hundred dollars (\$2,500) for each violation. Each day constitutes a separate violation.

4. Initiation of Development within Two Years

If construction of the public improvements are not begun within two years from the approval date, the approval shall lapse and the applicant shall reapply to the Board for a new approval. Reapplication for approval shall state the reasons why construction was not begun and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. In addition, approval shall lapse on any approved subdivision plan that has not been filed with the Registry of Deeds within thirty (30) days of approval. Reapplication for approval may include information submitted in the initial application by reference.

5. All requirements of this Ordinance on approved and registered subdivisions shall be binding regardless of transfer of ownership.

Section III. Definitions

- A. Subdivision - A subdivision shall mean the division of a tract or parcel of land or structure as defined in Title 30, M.R.S.A., Section 4956 and as hereafter amended. The term subdivision shall also include such developments as multiple-family dwelling(s), shopping centers, condominiums, industrial parks and campgrounds, where there are three or more structures or units involved.

The Town of West Paris hereby exercises its power as granted in Title 30 M.R.S.A., Section 4956, to include lots of forty (40) acres or more as lots for the purposes of defining and reviewing subdivisions.

- B. Dwelling Unit - "Dwelling unit" means any part of a structure which through sale or lease, is intended for human habitation.
- C. Expansion (of a previously approved subdivision) - Expansion means the addition of lots, structures or units to a previously approved subdivision or the addition of land area to a previously approved subdivision.
- D. Land Not Suitable for Development
1. Land which, because of existing land uses or lack of access, is isolated and unavailable for building purposes or for use.
 2. Land shown to be in a floodway or as designated in the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration.
 3. Land which is unsuitable for development in its natural state due to topographical, drainage, or subsoil conditions such as but not limited to:
 - a. slopes greater than thirty-three percent (33%)
 - b. organic soils
 - c. wetland soils
 - d. poorly drained soils, as determined by Oxford County Soil and Water Conservation District
 - e. land subject to rights of way

D3. (continued)

- f. land located in the Resource Protection District
- g. land covered by surface waters
- h. land located on filled or drained Great Ponds.

E. Unit - Unit shall mean either a "dwelling unit", or a portion of a structure segregated (separated) from other parts of the structure by floor to ceiling walls and containing a use operated by or identified as a single entity, or a lot or portion thereof identified by a specific use or improvements.

Section IV. Procedures for Review of Subdivision Applications

A. Preliminary Subdivision Application

1. Submission of Preliminary Subdivision Application

Preliminary Subdivision Applications shall be submitted at a regularly scheduled Board meeting to the Chairman of the Board who shall issue to the applicant a dated receipt. Upon receiving a Preliminary Subdivision Application, the Board shall notify all abutters. Within thirty (30) days from the date of receipt, the Board shall notify the applicant in writing either that the Preliminary Subdivision Application is complete or, if the Application is incomplete, the specific additional information needed to make a complete Preliminary Subdivision Application. The applicant assumes all responsibility as to its completeness. Upon Board determination that the application is complete, the Chairman of the Board will issue to the applicant a dated receipt.

2. Public Hearing

In the event that the Board determines to hold a public hearing on the proposed subdivision, it shall hold such public hearing within thirty (30) days of having notified the applicant in writing that a complete Preliminary Subdivision Application has been received and shall cause notice of the date, time and place of such hearing to be given to the subdivider, all property owners within one thousand (1,000) feet of the boundaries of the subdivision and published in a newspaper of general circulation in the Town of West Paris at least two (2) times; the date of the first publication shall be at least seven (7) days prior to the hearing. The decision to hold a public hearing is discretionary, and in making its decision, the Board may consider the size and type of subdivision, the community impact, and whether any written requests for such a hearing have been received. Public hearings shall be conducted in accordance with the procedures in Title 30, M.R.S.A., Section 2411, Subsection 3 A, B, C, D, E.

3. Board Decision on the Preliminary Subdivision Plan

The Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of having received a complete application, if no hearing is held, or within such other time limit as may be mutually agreed to, issue a registered letter denying or granting approval of the proposed Preliminary Subdivision Plan or granting approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this Ordinance and in

3. (continued)

Title 30, M.R.S.A., Section 4956, and to preserve the public's health, safety, and general welfare.

In all instances, the burden of proof shall be upon the subdivider.

In issuing its decision, the Board shall make a written finding of fact establishing that the proposed subdivision does or does not meet provisions of this Ordinance and Title 30, M.R.S.A., Section 4956.

Approval of the Preliminary Subdivision Plan and Application in no way commits or binds the Board to approve the Final Subdivision Plan and Application.

4. Application Fees

The following fee(s) shall be paid prior to the submission of any Preliminary Subdivision Plan:

a. Review fee, Twenty Five dollars (\$25.00) per lot (or unit for multiplex development)

b. Review escrow account, One Hundred dollars (\$100) per lot (or unit for multiplex development) deposited in an escrow account established by the Town, which monies may be used by the Board to pay for professional reviews and advice related to the developer's application, as it deems necessary. The Board shall provide the applicant with notice of its intent to spend any portion of this account which notice shall specify the purpose for the proposed expenditures. Those monies deposited by the developer and not spent by the Board in the course of its review shall be returned to the developer within thirty (30) days after the Board renders its final decision on the application.

B. Final Subdivision Application1. Submission of Final Subdivision Application

The applicant shall submit the original and four (4) copies of the Final Plan to the Board at a regularly scheduled Board meeting, within one (1) year from the date of approval of the Preliminary Plan. The Chairman of the Board shall issue a dated receipt to the applicant. The Final Plan shall be drawn in ink on linen or polyester film suitable for recording in the Oxford County Registry of Deeds. The Final Plan shall include all the information requested in Section IV.C.3., and will also include all changes recommended by the Board in their approval of the Preliminary Plan. There shall be no other substantial changes between the Preliminary Plan and the Final Plan. Within thirty (30) days from the date of receipt of the Final Subdivision Application, the Board shall notify the applicant in writing either that the Final Subdivision Application is complete or, if the Application is incomplete, the specific additional information needed to make a complete Final Subdivision Application. The applicant assumes all responsibility as to its completeness. Upon Board determination that the Final Subdivision application is complete, a dated receipt will be issued to the applicant.

2. Public Hearing

In the event that the Board determines to hold a public hearing on the proposed subdivision, it shall hold such public hearing within thirty (30) days of having notified the applicant in writing that a complete Final Subdivision Plan Application has been received and shall cause notice of the date, time and place of such hearing to be given to the subdivider all property owners within one thousand (1,000) feet of the boundaries of the proposed subdivision and published in a newspaper of general circulation in the Town of West Paris at least two (2) times; the date of the first publication shall be at least seven (7) days prior to the hearing. The decision to hold a public hearing is discretionary, and in making its decision, the Board may consider the size and type of subdivision, the community impact, and whether any written requests for such a hearing have been received. Public hearings shall be conducted in accordance with the procedures in Title 30, M.R.S.A., Section 2411, Subsection 3 A, B, C, D, E.

3. Board Decision on the Final Subdivision Plan

The Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of having received a complete application, if no hearing is held, or within such other time limit as may be mutually agreed to, issue a registered letter denying or granting approval of the proposed Final Subdivision Plan, or granting approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this Ordinance and in Title 30, M.R.S.A., Section 4956, and to preserve the public's health, safety, and general welfare.

In all instances, the burden of proof shall be upon the subdivider. In issuing its decision, the Board shall make a written finding of fact establishing that the proposed subdivision does or does not meet the provisions of this Ordinance and Title 30, M.R.S.A., Section 4956.

Approval of the Preliminary Plan and Application in no way commits or binds the Board to approve the Final Plan.

4. Upon approval of the Subdivision Plan, a majority of the Board shall sign all four (4) copies of the Subdivision Plan. The original shall be filed by the subdivider with the Oxford County Registry of Deeds within thirty (30) days or the Subdivision Plan shall become void. One (1) copy shall be retained by the subdivider, one (1) copy shall be retained by the Board, and one (1) copy shall be filed with the Selectmen. The Board shall maintain a permanent record of their action on the Subdivision Plan.

C. The Subdivision Application

The Subdivision Application shall consist of an application form and subdivision plan.

Items marked with an "X" shall be required in all instances.

Items not marked with an "X" may be required.

The application form shall be furnished by the Board and shall include the following information.

1. Information on the Applicant

- X 1. Name and address of Owner
- X 2. Name and address of Applicant (if other than owner)
- X 3. If Applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach copy of Secretary of State's Registration
- X 4. Name and address of Applicant's authorized representative
- X 5. Name, address and number of Registered Professional Engineer, Land Surveyor, or Planner who prepared the plan
- X 6. Address to which all correspondence from the Board should be sent
- X 7. What interest does the applicant have in the parcel to be subdivided (option, land purchase contract, record ownership, etc.)?
- X 8. What interest does the applicant have in any property abutting the parcel to be subdivided?
- X 9. State whether the subdivision covers the entire or contiguous holdings of the applicant or not.
- X 10. Proposed method of Performance Guarantee
- X 11. Application fee
- X 12. Statement of Financial capability
- 13. Statement of Technical capability

2. Information Relating to the Property Being Subdivided

- X 1. Location of property: Book and page (from Register of Deeds)
- X 2. Copy of the Property Deed (from Register of Deeds)
- X 3. Location of property: Map and lot (from Assessor's Office)
- 4. Map survey of tract to be subdivided, certified by a Registered Land Surveyor, tied to established reference points (attached to application form)
- X 5. Current zoning of property
- X 6. Existing waterbodies
- X 7. Existing Public and private rights of way and easements
- X 8. Acreage of parcel to be subdivided
- X 9. A soils report prepared by a Licensed Site Evaluator, identifying soil types and location of soil test areas. Based on soil test results, certain modifications of the subdivision may be required (attached copy of soils report to application). There shall be at least one (1) soil test performed on each lot.
- 10. Names of property owners abutting the parcel to be subdivided and on the opposite side of any road from the parcel to be subdivided (show on plat)
- 11. Indicate the nature of any restrictive covenants to be placed on the deeds
- 12. Traffic Impact analysis
- 13. Hydrologic assessment
- 14. Statement of water supply suitability from a well driller, or a hydrogeologist, or the West Paris Water District
- 15. Necessary State and/or Federal Permits and date of application (please list)
- X 16. Any requests for waivers or variances must be in written form

3. Information on the Subdivision Plan

Prelim-

inary Final

- | | | | |
|---|---|-----|---|
| X | X | 1. | Proposed name of subdivision |
| X | X | 2. | Lot numbers |
| X | X | 3. | Date, north point, graphic map scale (show on plat) |
| X | X | 4. | Proposed lot lines with approximate dimensions |
| X | X | 5. | Suggested locations of buildings, subsurface sewage disposal systems, and wells (show on plat) |
| X | X | 6. | Location of permanent or temporary markers adequately located to enable the Board to locate lots readily and appraise the basic lot layout in the field (show on plat) |
| X | X | 7. | Location of all parcels to be dedicated to public use, the conditions of such dedication, and the location of all natural features or site elements to be preserved (show on plat) |
| - | | 8. | Proposed Association Bylaws including roadways (where applicable) |
| X | X | 9. | A location map, consisting of a U.S.G.S. Topographical Map, showing the relation of the proposed subdivision to adjacent properties and to the general surrounding area. The location map shall show all the area within Two Thousand (2,000) feet of any property line of the proposed subdivision (attach to plan). |
| X | X | 10. | Location and size of existing buildings, watercourses, and other essential existing physical features (show on plat) |
| X | X | 11. | Location and size of any existing sewers, water mains, culverts and drains (show on plat) |
| - | | 12. | Location, names and widths of any existing and proposed streets, highways, easements, building lines, rights of way, parks and other public open spaces; and lengths of all straight lines, the deflection of angles, radii length of curves, and central angles of all curves, and tangent distances and bearings of all streets or other proposed public ways proposed by the subdivider (show on plat) |
| - | | 13. | Statement which indicates how a privately owned road is to be maintained |
| - | | 14. | Statement which states who owns all privately owned roads |
| - | | 15. | Contour lines at intervals of either five (5), ten (10) or twenty (20) feet in elevation, as specified by the Board |
| - | | 16. | Typical cross-sections of proposed grading for roadways, sidewalks, and storm drainage facilities (attach to plan) |
| - | | 17. | A soil erosion and sediment control plan for construction and for permanent control (attach to plan) |
| - | | 18. | Suitable space to record on the approved plat plan the date and conditions of approval, if any. This space shall be similar to the following example: |

Approved	Town of West Paris	_____	Planning Board
Signed		_____	Chairman
		_____	(space for all
		_____	members to sign)
Date		_____	
Conditions		_____	

C3. (continued)

- 19. Any other information on the parcel to be subdivided

4. Accompanying Documents

- a. Certification to the Board of financial capability or bonding to ensure completion of the project.
- b. Statement from the Fire Chief as to the availability of fire hydrants and/or fire ponds
- c. Statement from the Sewer and/or Water District or company that they will permit connection into the water district system
- d. Other information not indicated above, as specified by the Board on the application

Section V. General Requirements

- A. Buffer Strip - The Board may require a buffer strip, such as natural vegetation when the proposed subdivision will be located adjacent to a use where separation is desirable.
- B. Basement Drainage - If lots are being created to accommodate structures with basements, the subdivider can be required to show that the basement can be drained by gravity to the ground surface.
- C. Conformance with other Laws, Regulations - The proposed subdivision shall be in conformance with all pertinent Local, State and Federal ordinances, statutes, laws, and regulations. If the proposed subdivision must be reviewed by any state agency in accordance with the Site Location Act, Title 38 M.R.S.A. 481 et seq or any other applicable State law, the subdivider must secure approval of the Board of Environmental Protection or appropriate agency and the Town Planning Board.
- D. Construction Prohibited - No utility installations, no ditching, grading, or construction of roads, no grading of land or lots, and no construction of buildings shall be done on any part of the subdivision until the subdivision application has been prepared, submitted, reviewed, approved, and endorsed as provided for by this Ordinance, nor until an attested copy of the plan so approved and endorsed has been recorded by the subdivider in the Registry of Deeds. Plans for road construction, grading and ditching should be reviewed by the Road Commissioner for his recommendations prior to Board approval.
- E. Ditches, Catch Basins - The Board may require the installation of ditches, catch basins, piping systems, and other appurtenances for the conveyance, control, or disposal of surface waters.
- F. Easements - The Board may require easements for sewerage, drainage, or other utilities.

- G. Sediment and Erosion Control Plan - The Board may require the applicant to develop a sediment and erosion control plan in compliance with the standards of the Oxford County Soil and Water Conservation District.
- H. Guidelines for Reviewing Subdivisions in Subdivision Law - In reviewing any proposed subdivision, the Board shall consider the criteria set forth in the Guidelines contained in the Subdivision Law, Title 30, M.R.S.A., Section 4956, as amended, which are included as an appendix of this Ordinance, and before granting approval shall determine that they have been or will be met. The burden of proof shall be upon the applicant.

I. Lots and Density

1. The lot size, width, depth, shape and orientation and the minimum setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
 2. Where individual, on-site sewage disposal systems are to be utilized, the size of each lot shall conform to the "Town of West Paris Minimum Lot Size Ordinance" or shall be based upon soil characteristics and conform to A Guide for Minimum Lot Size Determination contained in Appendix F of the State of Maine "Subsurface Wastewater Disposal Rules", Part II as amended, whichever is largest.
 3. For Cluster developments, overall net density shall not be greater than the density that would result from the creation of individual, non-cluster lots. Such densities shall be calculated by dividing the total developable acreage within the subdivision (including open spaces or common recreational areas) by the number of proposed units. Developable acreage shall be determined by subtracting "Land Not Suitable for Development", as defined in Section III.B. of this Ordinance, from the total acreage of the subdivision.
 4. The lot size, for multiple unit housing, when disposal of wastes by subsurface waste disposal is used, shall be in the same proportion as for single family residential units. For purposes of computing such proportions, the amount of sewage generated by and the waste disposal requirement of such land uses shall be:
 - a. single family residential unit, three hundred (300) gallons per day;
 - b. multiple unit housing, one hundred-twenty (120) gallons per bedroom per day.
- J. Driveway Entrances - Subdivisions with lots fronting on existing arterial and collector streets shall minimize the number of driveways entering such streets. The Board shall require access streets or other acceptable techniques to minimize the number of driveway entrances upon such streets.
- K. Sidewalks - The Board shall have the authority to designate whether sidewalks shall be required.

- L. Utilities - All utilities shall be installed underground unless specifically waived by the Board.
- M. Dead-end or Cul-de-sac Streets - Dead-end or Cul-de-sac streets shall be provided at the closed end with a turn-around having a property line radius of at least sixty (60) feet with an outside pavement radius of at least forty (40) feet. The Board has the right to require an easement to extend the road beyond the Cul-de-sac.
- N. Land not Suitable for Development - The Board shall in no instance approve such portions of any proposed subdivision that are located on "Land Not Suitable for Development" as defined in Section III.B. of this Ordinance.
- O. Open Space Provisions - The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams, and the preservation of scenic, historic, or environmentally desirable areas.
- P. Performance Bond
 - 1. The Board may require that the subdivider file with the Board a performance guarantee in an amount sufficient to defray all expenses of the proposed public improvements. This may be tendered in the form of a certified check payable to the Treasurer of the Town of West Paris and issued by a financial institution acceptable to the Town of West Paris, or a performance bond running to the Town of West Paris and issued by a surety company acceptable to the Town of West Paris. The conditions and amount of such certified check or performance bond shall be determined by the Planning Board of the Town of West Paris with the advice of the various municipal officers concerned. The amount shall be at least equal to the total cost of furnishing, installing, connecting, and completing all of the street grading, paving, storm drainage and utilities or other improvements specified on the plan within two (2) years of the date of the certified check or performance bond.
 - 2. The Board may recommend a maximum extension of twelve (12) months to the guaranteed performance period when the subdivider can demonstrate, to the satisfaction of the Board and the municipal officers, good cause for such extension. Such recommendation shall be referred to the Board of Selectmen for official action.
 - 3. Before a subdivider may be released from any obligation requiring his/her guarantee of performance, the Board will require certification from the various municipal officers to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards, (State, Federal and Local codes, ordinances, laws and regulations).
 - 4. The Board may, at its discretion, waive the requirement of a performance bond and recommend a properly executed conditional agreement with the Town of West Paris. Such agreement, if executed with the Town of West Paris shall be endorsed in writing on the plan and shall provide that the Board

4. (continued)

may approve the subdivision or any part thereof, on the condition that no lot in the subdivision may be sold and that there can be no construction of any building on any lot on any street in the subdivision until it shall have been certified in the manner set forth in paragraph three above that all improvements have been made within two (2) years of the date of executing such conditional agreement.

- Q. Plan Revisions After Approval - No changes, erasures, modifications, or revisions shall be made in any subdivision plan after approval has been given by the Board and endorsed in writing on the plan, unless the plan is first resubmitted and the Board approves any modifications. In the event that the subdivision plan is recorded without complying with this requirement, the plan shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Selectmen and the Registry of Deeds.

Section VI. Roads

- A. Street Design and Construction - The design and construction of all subdivision streets and roads shall be in accordance with the Town's road ordinance or with the requirements of this Subdivision Ordinance whichever has the higher standard.

B. Classification of Streets

1. In all new subdivisions, streets that are to be dedicated to public use shall be classified as provided in Subsection 2.
 - a. The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day.
 - b. The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive.
 - c. Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.
2. The classification of streets shall be as follows.
 - a. Street - Private ways, which serve three or more units, and public ways, such as alleys, avenues, boulevards, highways, and roads.
 - b. Privately Owned - A street which is not intended to be dedicated as a Town way.
 - c. Driveway - A privately owned way which serves no more than two units.

- d. Minor - A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than ten (10) dwelling units and is expected to or does handle up to seventy-five (75) trips per day.
- e. Local - A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least eleven (11) but no more than forty-five (45) dwelling units and is expected to or does handle between seventy-five (75) and two hundred-fifty (250) trips per day.
- f. Collector - A street whose principle function is to carry traffic between minor and local streets and arterial streets but that may also provide direct access to abutting properties.
- g. Arterial - A major street whose principal function is to carry traffic into, out of, or around the town and carries high volumes of traffic.

C. Minimum Road Construction Standards for Subdivisions -

1. Bases

- a. The Aggregate base material shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances.

Item:	Collector	Local	Minor	Private
1. Minimum width of right of way (feet)	50	50	50	50
2. Minimum width of pavement/ travel width (feet)	24	20	20	20
3. Minimum grade (%)	0.5	0.5	0.5	0.5
4. Maximum grade (%)	8	10	10	12
5. For all roads: Maximum grade at intersections shall be two(2) percent within fifty(50) feet of intersections				
6. Minimum angle of intersections (degrees)	90	90	90	90
7. Width of shoulders (feet)	3	3	3	n/a
8. Minimum center line radii on curves (feet)	150	150	150	100
9. Minimum road base - total (inches)	24	18	18	16
sub-base (inches)	18	12	12	10
upper base (inches)	6	6	6	6
10. Maximum stone size in sub-base (inches)	6	6	6	6
11. Maximum stone size in upper-base (inches)	3.5	3.5	3.5	3.5
12. Minimum road crown (inches per foot)	1/4	1/4	1/4	1/4
13. Paving - minimum (inches)	2	2	2	n/a
14. Maximum back and side slopes	(3/1)	(3/1)	(3/1)	(3/1)
15. For all roads: Minimum elevation of the finished road surface shall be two(2) feet above the seasonal high water table.				

- D. Storm Drainage - Adequate drainage facilities shall be provided so as to reduce the danger of flooding/erosion and shall be the responsibility of the subdivider, subject to the approval of the Board.

Section VII. Waiver and Modification of This Ordinance

- A. Where the Board finds that extraordinary and unnecessary hardships may result from strict compliance with this Ordinance or where there are special circumstances of a particular plan, it may waive any part of this Ordinance provided that such waiver will not have the effect of nullifying the purpose of this Ordinance, the Comprehensive Plan, the Shoreland Zoning Ordinance, or any other ordinance.
- B. In granting any waiver, the Board shall require such conditions as will, in its judgements, secure substantially the objectives of the requirements so waived.

Section VIII. Validity, Effective Date, Conflict of Ordinances and Filing

- A. Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance, and to this end, the provisions of this Ordinance are hereby declared to be severable.
- B. The effective date of this Ordinance is _____.
- C. This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit, or provision of law. Where this Ordinance imposes a higher standard for the promotion and protection of health and safety, the provisions of this Ordinance shall prevail.
- D. A certified copy of this Ordinance shall be filed with the County Registry of Deeds.

Section IX. Amendments

This Ordinance may be amended through a vote of the legislative body of the Town (i.e. Town Meeting).

Section 8. Appeals

An appeal may be taken within thirty (30) days from the Board's decision on the application by any party to Superior Court in accordance with Rule 808 of the Maine Rules of Civil Procedure.

APPENDIX A:

Subdivision Law, Title 30, 4956. Land Subdivisions.

Subsection 3. Guidelines.

As noted in the Information Pamphlet entitled:
"Maine Planning and Land Use Laws 1988"
Distributed by the Office of Comprehensive Planning,
Maine Department of Economic and Community Development

When promulgating any subdivision regulations and when reviewing any subdivision for approval, the planning board, agency or office, or the municipal officers, shall consider the following criteria and before granting approval shall determine that the proposed subdivision:

- A. Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resources regulations;
- 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 utilized;
- D. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
- E. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
- F. Will provide for adequate sewage waste disposal;
- G. Will not cause unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;

Appendix A: (continued)

- I. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;
- J. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any. In making this determination, the municipal reviewing authority is authorized to interpret these ordinances and plans;
- K. The subdivider has adequate financial and technical capacity to meet the above stated standards.
- L. Whenever situated in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.

Furthermore, when lots in a subdivision have frontage on an outstanding river segment, as defined in subsection 1-A, the proposed subdivision plan shall require principal structures to have a combined lot shore frontage and setback from the normal high water mark of 500 feet. 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 extend to the shore. These frontage and setback provisions shall not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 12, section 4813, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed shall be based on a finding that, as of the effective date of this Act, existing development meets the requirements of subsection 1.

- M. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- N. The subdivider will determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area the subdivider will determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan shall include a condition of plat approval requiring that principal structures in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

Article 26.1 Shall an ordinance entitled "Subdivision Ordinance for the Town of West Paris, Maine" be amended as follows?:

Section III. Definitions

- A. Subdivision - A subdivision shall mean the division of a tract or parcel of land or structure as defined in Title 30, M.R.S.A., Section 4956 and as hereafter amended. The term subdivision shall also include such developments as multiple-family dwelling(s), shopping centers, condominiums, industrial parks and campgrounds, where there are three or more structures or units involved.

~~The Town of West Paris hereby exercises its power as granted in Title 30, M.R.S.A., Section 4956, to include lots of forty (40) acres or more as lots for the purposes of defining and reviewing subdivisions.~~

Article 26.2 Shall an ordinance entitled "Subdivision Ordinance for the Town of West Paris, Maine" be amended as follows?:

Section VI. Roads

C. Minimum Road Construction Standards for Subdivisions -

1. Bases

- a. The Aggregate base material shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances.

Item:	Collector	Local	Minor	Private
1. Minimum width of right of way (feet)	50	50	50	50
2. Minimum width of pavement/ travel width (feet)	24	20	20	20
3. Minimum grade (%)	0.5	0.5	0.5	0.5
4. Maximum grade (%)	8	10	10	12
5. For all roads: Maximum grade at intersections shall be two (2) percent within fifty (50) feet of intersections				
6. Minimum angle of intersections (degrees)	90	90	90	90
7. Width of shoulders (feet)	3	3	3	4/2
8. Minimum center line radii on curves (feet)	150	150	150	100
9. Minimum road base - total (inches)	24	18	18	16
sub-base (inches)	18	12	12	10
upper-base (inches)	6	6	6	6
10. Maximum stone size in sub-base (inches)	6	6	6	6
11. Maximum stone size in upper-base (inches)	3.5	3.5	3.5	3.5
12. Minimum road crown (inches per foot)	1/4	1/4	1/4	1/4
13. Paving - minimum (inches)	2	2	2	4/2
14. Maximum back and side slopes	(3/1)	(3/1)	(3/1)	(3/1)
15. For all roads: Minimum elevation of the finished road surface shall be two (2) feet above the seasonal high water table.				

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4. Maximum grade (%)	8	10	10	12
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6. Minimum angle of intersections (degrees)	90	90	90	90
7. Width of shoulders (feet)	3	3	3	2 1/2
8. Minimum center line radii on curves (feet)	150	150	150	100
9. Minimum road base - total (inches)	24	18	18	16
sub-base (inches)	18	12	12	10
upper-base (inches)	6	6	6	6
10. Maximum stone size in sub-base (inches)	6	6	6	6
11. Maximum stone size in upper-base (inches)	3.5	3.5	3.5	3.5
12. Minimum road crown (inches per foot)	1/4	1/4	1/4	1/4
13. Paving - minimum (inches)	2	2	2	1 1/2
14. Maximum back and side slopes	(3/1)	(3/1)	(3/1)	(3/1)
15. For all roads: Minimum elevation of the finished road surface shall be two (2) feet above the seasonal high water table.				

Motion was made to waive the reading of the remaining Section VI. Roads; it was seconded. A vote was taken by a show of hands. It was unanimous to waive the reading of the remaining Section VI. Roads. General discussion. After Jim Andrews made a motion to accept as written, it was seconded. Motion was passed.

Article 26a: To see if the citizens of the town will vote to amend the "Town of West Paris Minimum Lot Size Ordinance" to include a section 4. called Non-Conforming Uses and re-number the following paragraphs of the ordinances as 5. being Administration, 6. being Appeals, and 7. being Enforcement, 8. being Amendments and 9. being General.

#4 Non-Conforming Uses. (A) Any lawful use of building, structures, premises, land or parts thereof existing at the effective date of this amendment and not in conformance with the provisions of this ordinance shall be considered a non-conforming use.

(B) Any non-conforming use may continue and may be repaired, maintained and improved. No such non-conforming use may be expanded, changed to another non-conforming use or renewed after it has been discontinued for a period of 12 calendar months or more without a variance from the specific terms of this ordinance.

Selectmen recommend: Approval

Motion made by Fred Sursey & seconded to approve as written. Judy McLaughlin asked for the article to be discussed. David Walton replied. A vote was taken (33 in favor 13 opposed) Article Passed.

Article 26 : Shall an ordinance entitled "Sub Division Ordinance for the Town of West Paris, Maine" be enacted.

Selectmen recommend: Approval

Fred Swasey made a motion to follow Selectmen's recommendation; it was seconded. Mary Ann Brown commented (the people who worked on this should be commended). Richard Baker said he worked on this but he feels it doesn't meet the needs of affordable housing. Wade Raring asked about the 40-acre exemption. Brenda Gould said that the town has a regulation but doesn't have an ordinance. Luane Abbott pointed out that Article 26.1 & Article 26.2 took up the 40-acre exemption & roads which could be voted on after. The motion was then put to a vote and passed by a show of hands.

Article 26.1 Shall an ordinance entitled "Subdivision Ordinance for the Town of West Paris, Maine" be amended as follows?:

Section III. Definitions

- A. Subdivision - A subdivision shall mean the division of a tract or parcel of land or structure as defined in Title 30, M.R.S.A., Section 4956 and as hereafter amended. The term subdivision shall also include such developments as multiple-family dwelling(s), shopping centers, condominiums, industrial parks and campgrounds, where there are three or more structures or units involved.

~~The Town of West Paris hereby exercises its power as granted in Title 30 M.R.S.A., Section 4956, to include lots of forty (40) acres or more as lots for the purposes of defining and reviewing subdivisions.~~

Motion was made by James Andrews & seconded to accept as written. Motion was carried.

**TOWN OF WEST PARIS
TRANSFER STATION RULES & REGULATIONS**

HOURS ~ WEDS & SAT 8:00 to 4:00/ SUN 8:00 to 12:00 noon

MANDATORY CLEAR OR WHITE TRASH BAGS ONLY

TRANSFER STATION STICKER REQUIRED

1. **HOUSEHOLD TRASH** ~ Regular household trash, coffee grounds, Styrofoam, food waste, garbage, grease, plastic bags/film, bubble wrap and bubble envelopes, etc.
2. **METAL** ~ Empty paint cans, ranges, ovens, tire rims, storm doors, metal shelving, metal roofing, refrigerators*, freezers* (both w/ doors removed), air conditioners*, etc.
4. **DEMOLITION DEBRIS** ~ **WOOD/DEMO PERMIT REQUIRED** Available at the Town Office
Construction debris, sheetrock, insulation, window frames and glass, plaster, paneling, roof shingles. For more info see Rules for Wood Demo Disposal.
5. **WOOD** ~ **WOOD/DEMO PERMIT REQUIRED**. Available at the Town Office
Painted and unpainted wood, particle board, posts, plywood, flooring, wooden doors, and wood furniture.
6. ***TIRES** ~ No rims, No tractor or skidder tires.
7. **UNIVERSAL WASTE** ~ Televisions, computer monitors, towers and keyboards, fluorescent bulbs, etc.
8. **ZERO-SORT RECYCLING** ~ RULES ON SEPARATE SHEET

~ *FEES ~

TIRES: Passenger & Regular sized Pickup tires (under 20") - \$2.00

Big Truck tires (over 20") - \$15.00

Loader & Skidder Tires (and the like) - \$350.00

APPLIANCES: Refrigerators, Freezers & Air Conditioners - \$15.00

FURNITURE: Couches & Chairs - \$5.00

Mattresses & Box springs - \$7.00

WOOD/DEMO FEES AND RULES ON BACK

TOWN OF WEST PARIS
RULES for WOOD & DEMOLITION DEBRIS DISPOSAL

PERMIT REQUIRED FOR ALL LOADS OF WOOD & DEMOLITION DEBRIS
Obtained from the Town Office

1. Each permit good for one load only, regardless of size.
2. Permits must be obtained before dumping load.
3. A load is considered what will fit (level w/ sides) into the bed of a pickup truck, but not to exceed more than 100 cubic feet of material.
4. Wood or demolition debris must be in pieces no larger than 2 feet by 4 feet in size.
5. West Paris residents or businesses may obtain up to four permits per year.
6. Of the four permits, homeowners are entitled to two free permits for their own personal, Non-commercial use. The additional two permits will cost \$25.00 each.
7. West Paris businesses, landlords and other commercial or industrial enterprises are strongly encouraged to obtain a private dumpster service, however they may obtain up to the maximum (4) number of permits for \$50.00 each.
8. Permits are available at the Town Office during normal office hours only.
Permits for weekend dumping must be obtained before 1:00pm Friday.
9. Permits are valid to December 31st of the current year and are non-transferable.

FACTOID
West Paris pays an average of \$53.00 per load!

Please Note: Level pickup sized loads or smaller only.
Oversized loads will be rejected or require two permits.

TRANSFER STATION HOURS, RULES & REGULATIONS ON FRONT