

2018

Town of Georgetown Maine Ordinances

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ANIMAL CONTROL ORDINANCE

for the Town of Georgetown, Maine

Adopted June 12, 1999
Amended June 12, 2010
Amended June 18, 2016

Amended June 17, 2000
Amended June 08, 2013

1 Purpose: The purpose of this ordinance is to require, in accordance with Title 7 M.R.S.A. Part 9, that all dogs in the Town of Georgetown be kept under the control of their owners at all times so that they will not injure persons, damage property, or create nuisances.

2 Authority: This Ordinance is adopted pursuant to 7 M.R.S.A. § 3950, which provides that Maine municipalities are “empowered to adopt or retain more stringent ordinances, laws, or regulations” than the State provides on dog licensing and control.

3 Definitions: The following terms shall have the meanings indicated:

A. *At large:* Off the premises of the owner and not 1) on a leash no more than six feet long, 2) under effective voice control, or 3) under the control of any person whose personal presence and attention would reasonably control the conduct of the animal.

B. *Dangerous dog:* A dog that:

- i. Bites an individual or a domesticated animal who is not trespassing on the dog owner's or keeper's premises at the time of the bite; or
- ii. Causes a reasonable and prudent person, who is not on the dog owner's or keeper's premises and is acting in a reasonable and nonaggressive manner, to fear imminent bodily injury by assaulting or threatening to assault that individual or individual's domestic animal.

"Dangerous dog" does not include a dog certified by the State and used for law enforcement use. "Dangerous dog" does not include a dog that bites or threatens to assault an individual or animal who is on the dog owner's or keeper's premises if the dog has no prior history of assault and was provoked by the individual immediately prior to the bite or threatened assault.

C. *Dog:* A member of the genus and species *canis familiaris*, as well as any wolf hybrid.

D. *Nuisance:* Shall mean to:

- i. Unnecessarily annoy or disturb any reasonable person by:
 - a) Continued or repeated barking, howling or making any other loud or unusual noise anytime, day or night, however, this provision shall not apply to working dogs or agricultural guard dogs

engaged in protecting livestock; or

b) Causing unreasonable smell off the premises of the owner;

- ii. Create litter off the premises of the owner, unless the owner immediately removes and disposes of such litter, including feces, in a safe and healthful manner;
- iii. Cause damage to property other than the owner's; or
- iv. Chase automobiles, motorcycles, bicycles, or other vehicles.

E. *Owner*: Any person, organization, firm, partnership, or corporation that owns, possesses, is responsible for, or has custody of a dog.

F. *Voice control*: Controlling a dog effectively by voice commands.

4 Restrictions: It shall be unlawful in Georgetown:

- A. To allow a dog to run at large, as defined above, except when used for hunting;
- B. To own a dangerous dog, as defined above, unless it is confined or muzzled.
- C. To own a dog that creates or causes a nuisance, as defined above ; or
- D. To fail to maintain a collar or harness, to which is attached to an identification tag with the owners name and address or telephone number, on any dog two months of age or older.

5. Enforcement:

A. The Animal Control Officer (ACO) shall enforce this Ordinance.

B. The ACO shall apprehend any dog at large and:

- i. Shall record its breed, color, sex, license number, and the name and address or telephone number of its owner;
- ii. Shall attempt to locate and return the dog to the owner;
- iii. If the owner cannot be readily located, the ACO may transfer the dog to the Animal Shelter and issue a written notice that the owner may reclaim it by paying the fees established by the Animal Shelter;
- iv. Shall assess the fees set forth in Section 6 below and, if the dog is unlicensed, require that it be licensed.

C. The ACO shall respond to and investigate reports of dogs creating a nuisance and:

- i. Shall attempt to locate the owner;
 - ii. If the owner cannot be located within 24 hours of the initial report, the ACO may transfer the dog to the Animal Shelter and issue a written notice that the owner may reclaim it by paying the fees assessed by the Animal Shelter;
 - iii. Shall assess the fees set forth in Section 6 below, order that the nuisance be remedied and, if the dog is unlicensed, require that it be licensed.
- D. The ACO shall respond to and investigate reports of dangerous dogs not properly confined or muzzled and:
 - i. Shall attempt to locate the owner;
 - ii. If the owner cannot be located immediately, the ACO may transfer the dog to the Animal Shelter and issue a written notice that the owner may reclaim it by paying the fees assessed by the Animal Shelter;
 - iii. Shall assess the fees set forth in Section 6 below, require that the dog be confined or muzzled at all times, and, if the dog is unlicensed, require that it be licensed.
- E. An ACO may shoot or otherwise humanely euthanize a suspected rabid animal if harm to humans or other animals is imminent.

6 Penalties:

- A. Running at large. The owner of a dog found running at large shall be fined \$15 for the first violation, \$25 for the second violation, \$50 for the third violation, and \$100 for each additional violation. Repeat offenses shall be counted within the two-year period ending with the most recent violation.
- B. Nuisance dogs. The owner of a dog that creates or causes a nuisance shall be fined \$50 for the first violation and \$100 for each additional violation.
- C. Dangerous dog. The owner of a dog identified as dangerous who does not keep the dog confined or muzzled as required by this Ordinance shall be fined \$50 for the first violation and \$100 for each additional violation.
- D. If a dog has been taken to the Animal Shelter, the owner shall pay the Society its processing and boarding fee, in addition to the penalties paid to the Town.
- E. Unclaimed dog. The owner of a dog who is notified that the dog has been impounded shall pay the Town an additional fine of \$25 if the dog is unclaimed more than a week after receipt of notification.
- F. General penalty. A person who violates any other provision of this Ordinance

shall pay a fine of \$100.

7. Fees and Costs:

- a. An owner must pay for all costs associated with any action taken by the ACO under this Ordinance with relation to his or her dog.
- b. Any person who violates this Ordinance shall pay the Town any fees, costs, or other expenses incurred by the ACO or Town in enforcing this Ordinance, including but not limited to attorneys' fees and court costs.
- c. Nothing in this Ordinance shall be construed to limit the fines that the courts of this State may impose pursuant to any other statute or judicial authority.

8. Appeal Rights

An owner may appeal any fines or fees assessed or orders of the ACO made pursuant to this Ordinance to the Town Of Georgetown Board of Appeals.

9 Effective Date

This Ordinance shall become effective upon approval at Town Meeting.

10 Severability

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance.

Town of Georgetown Building and Plumbing Permit Application Procedures

Basic Considerations:

In order to assure that land uses in the Town of Georgetown conform to State regulations and the Georgetown Comprehensive Plan, Georgetown has enacted two ordinances that require building permit applications. These are the Building Permit Ordinance and the Shoreland Zoning Ordinance (SZO). The SZO applies to all land areas within 250 feet horizontal distance of the normal high-water line of any coastal wetland or tributary stream or the upland edge of a freshwater wetland. If you propose any construction within such areas, you should review the SZO in detail: It covers most land uses, including not only building, but such matters as dock construction, tree cutting, road building, and others. If your project is within 75 feet of the high-water line or in a Resource Protection district, please get in touch with the Code Enforcement Officer (CEO) for additional instructions as a Natural Resources Protection Act (NRPA) permit or a Permit by Rule (PBR) may be required, both of which are issued by the Department of Environmental Protection. The Building Permit Ordinance covers all those areas of Georgetown not included in the shoreland zone. This ordinance requires a permit for building, moving, or modifying principal and accessory structures.

A principal structure is the structure within which the primary use of the land is conducted. The Planning Board deals with all applications that relate to principal structures once it receives them from the CEO as being complete. The CEO deals with all applications for structures accessory to the principal structure. Some minor activities do not require building permits. You may determine these exceptions by referring to the applicable ordinance.

If you plan a new driveway onto the Five Islands Road (Route 127), you must obtain a driveway permit from the Maine Department of Transportation before the Town can issue a building permit.

If you plan a permanent dock, float and run, or wharf, you must obtain a permit from the Maine Department of Environmental Protection (DEP) and the US Army Corps of Engineers (ACOE) before a building permit will be issued. The Portland office of the DEP will explain how to apply for its permit, as will the ACOE.

Applying for a permit for a principal structure:

1. Obtain and read a copy of the Building Permit application and relevant ordinance(s) from the Town Office. If you have any questions, please talk to the CEO, Jason Lang (207-522-3225).
2. Complete the upper portion of the application/permit form. You may find your tax map and lot number on your tax bill or ask to confirm them at the Town Office. Abutters must be notified in writing two weeks before the Planning Board meets if your project is in a Resource Protection District or is a non-conforming structure in the Shoreland Zone.
3. Provide dated copies of the documents identified on the application. Please note that you must provide **two** copies of your plot plan. See the attached house and plot plan examples.
4. Submit with your application a check made out to the Town of Georgetown for the appropriate building permit fee as follows:
New principal structure: A single family, residential structure shall be charged at the rate of \$0.10 per sq ft of floor area with a \$100 minimum. Commercial structures shall be charged at the rate of \$0.20 per sq ft of floor area with a \$200 minimum.

New accessory structure: \$0.10 per sq. ft. of floor area with a \$50 minimum for structures accessory to residential structures and \$0.20 per sq ft of floor area with a \$100 minimum for structures accessory to commercial structures.

Additions to an existing structure: \$0.10 per sq ft of floor area with a \$50 minimum for residential structures and \$0.20 per sq ft of floor area with a \$100 minimum for commercial structures.

New or improved piers, docks, and all other applications: \$0.10 per sq ft of floor area with a \$50 minimum for non-commercial structures and \$0.20 per sq ft of floor area with a \$100 minimum for commercial structures.

All fees shall be rounded down to the nearest whole dollar.

5. If you are not the owner, include a letter from the owner stating that you are empowered to represent him or her. **The Board cannot act on your application without this letter.**

6. If you are applying to build a new principal structure or to add bedrooms or pressurized water to an existing structure, you must include an approved septic design with the application.

7. Submit the application at least a week prior to the next regularly scheduled meeting of the Planning Board to the CEO or to the Town Office, either in person or by mail (PO Box 436, Georgetown ME 04548-0436). **Make sure you sign all copies of all forms and carefully read and understand the “Applicant’s Statement” before submitting the application.**

8. The CEO will advise you if your application is incomplete and identify any additional information required. Once it has determined that your application is complete, meet with the Planning Board for principal structures or the CEO for accessory structures, if you can, to discuss your application. The Board meets on the first and third Wednesdays of each month at 7 PM at the Town Office. (There are possible exceptions, so check with the Town Office or the Town bulletin board.) You do not have to meet with the Board, but you would be wise to do so. Be sure that the application is complete and that the CEO will present it to the Board.

9. The Board may take two to three weeks to consider the application and post minutes of its meetings. If the Board finds your application to be in keeping with the ordinances and State statutes, it will issue your permit, possibly with special conditions. If the Board finds that your application does not conform to the ordinances and statutes, it will deny the application. In this case, the Board will provide you with a written Finding of Fact supporting the denial. No approved permit will be valid for a period of more than one year. If you do not meet with the Board but want your copy of the approved permit mailed to you, please enclose a stamped, self-addressed envelope with the proper postage. Otherwise your copy of the permit will be held at the Town Office for 30 days after approval, and then filed.

10. If your application is approved, post the Building or Conditional Use Permit in a conspicuous place on the building site. Then call the CEO as soon as you have marked out the location of your construction on the site. The CEO will come to verify that this location complies with the permit.

11. If a contractor does any of the work required under the permit, he or she must provide for private disposal of the construction waste produced as part of the work involved; such construction waste will not be accepted at the Georgetown Transfer Station.

12. If your application is not approved, you may modify the proposal and resubmit it to the Board, or appeal the Planning Board's decision to the Board of Appeals.

Applying for a permit for an accessory structure

Follow steps 1 to 6, then submit the application in person to the Town Office or mail it to the CEO (PO Box 436, Georgetown, ME 04548-0436). If your application is complete, it will be processed as quickly as possible. You must also follow steps 9, 10, and 11.

Applying for plumbing permits

Septic Systems - Leave **three** copies of Form HHE-200, provided by your Licensed Soil Evaluator, at the Town Office with a check for \$265 made out to the Town of Georgetown. If your permit involves a variance, make your check for \$285 rather than \$265. Your application will be processed as quickly as possible.

Internal Plumbing - Fill out an application available at the Town Office and make out a check to the Town of Georgetown. The fee schedule is \$40 for one to four fixtures and \$10 for each additional fixture beyond four. Leave the completed application and check at the Town Office. It will be processed as quickly as possible. If you have any questions, call the CEO, Jason Lang (207-522-3225) or write him (PO Box 436, Georgetown, ME 04548-0436). **You must have an Internal Plumbing Permit before any internal plumbing can be installed.**

BUILDING PERMIT ORDINANCE
Town of Georgetown, Maine

Adopted June 20, 1987	Amended June 17, 2000	Amended June 13, 2009
Amended September 21, 1988	Amended June 18, 2005	Amended June 18, 2011
Amended June 16, 1990	Amended June 16, 2007	Amended June 16, 2012
Amended June 18, 1994	Amended June 14, 2008	Amended June 18, 2016
Amended June 10, 1995	Amended March 11, 2009	Amended June 17, 2017
Amended June 16, 2018		

- 1. Authority and Purpose:** This Ordinance is adopted pursuant to the “home rule” provisions of 30A MRSA § 2101. Its purposes are to provide for adequate spacing of buildings with respect to other buildings, roadways, and subsurface waste disposal needs, and to assure compliance with applicable local and State land use laws in those areas of the Town not governed by the Shoreland Zoning Ordinance.
- 2. Applicability:** This Ordinance applies to all areas of Georgetown which are not governed by the Shoreland Zoning Ordinance.
- 3. Planning Board Permit Required:** After the effective date of this Ordinance, a permit issued by the Planning Board shall be required prior to the following:

 - a. the construction or placement of any new or relocated principal structure;
 - b. the expansion of an existing principal structure which results in an increase in the ground area covered by the structure, whether such expansion is supported from the building or by posts or foundation wall, or an increase in the volume and/or height of the structure, or the removal and replacement of the entire structure or any portion thereof;
 - c. the modification of an existing principal structure which results in an increase in the number of dwelling units in the structure;
- 4. Code Enforcement Officer Permit Required:** After the effective date of this Ordinance, a permit issued by the Code Enforcement Officer, Assistant Code Enforcement Officer, or designated alternate shall be required prior to the following:

 - a. the construction or placement of any new or relocated accessory structure; and
 - b. the expansion of an existing accessory structure which results in an increase in the ground area covered by the structure, whether such expansion is supported from the building or by posts or foundation wall, or an increase in the volume and/or height of the structure, or the removal and replacement of the entire structure or any portion thereof;
- 5. Exceptions:** This Ordinance shall apply to, but no permit is required for, the following, unless a variance is required, in which case a building permit is required:

 - a. a shelter for a small household pet, such as a cat or a dog;
 - b. an accessory structure which does not exceed 100 square feet in area;

- c. a temporary roadside stand used for sale of flowers, vegetables, fruit, or similar produce which does not exceed 100 square feet in area and which remains in place for less than seven months in any period of twelve consecutive months;
- d. steps, stairs, or wheelchair ramps used exclusively to gain access to a building doorway;
- e. roofs constructed without attachment to the ground and used exclusively to provide weather shelter to doorways or steps; and
- f. a boundary wall or fence.
- g. a temporary enclosure for the repair or maintenance of boats, equipment, or machinery.
- h. a hoop garage or storage container no larger than 240 square feet and 15 feet in height.
- i. normal, routine maintenance and repairs, such as re-shingling a roof, replacing siding or replacing windows.

6. Application and Fee: Applications for permits shall be on forms provided for the purpose and available from the Planning Board or Code Enforcement Officer. Permit fees are as follows:

New principal structure: A single family, residential structure shall be charged at the rate of \$0.20 per sq. ft. of floor area with a \$100 minimum. Commercial structures shall be charged at the rate of \$0.40 per sq. ft. of floor area with a \$400 minimum.

New accessory structure: \$0.20 per sq. ft. of floor area with a \$50 minimum for structures accessory to residential structures and \$0.40 per sq. ft. of floor area with a \$150 minimum for structures accessory to commercial structures.

Additions to an existing structure: \$0.20 per sq. ft. of floor area with a \$50 minimum for residential structures and \$0.40 per sq. ft. of floor area with a \$150 minimum for commercial structures.

New or improved piers, docks, and all other applications: \$0.20 per sq. ft. of floor area with a \$50 minimum for non-commercial structures and \$0.40 per sq. ft. of floor area with a \$150 minimum for commercial structures.

All fees shall be rounded down to the nearest whole dollar.

If a Building Permit is not obtained until after construction begins, the fee for an “after the fact” permit shall be double the normal fee. This double fee is in addition to any fine or penalty that may be imposed for failing to obtain a Building Permit prior to starting construction.

7. Permit Decision:

- a. For those proposed building activities on which it is authorized to act, the Planning Board shall, upon receipt of a written application, notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make it a complete application. All applications shall either be approved or denied in writing Within 30 days of receiving a completed application, including

all information requested; Permits shall not be denied if the proposed use is found to be in conformance with the provisions of applicable Town Ordinances.

b. For those proposed building activities on which he or she is authorized to act, the Code Enforcement Officer shall, upon receipt of a written application, notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make it a complete application. Within 30 days of the receipt of a completed application, the Code Enforcement Officer shall determine whether the proposed building activity meets the requirements of this Ordinance. If he makes a positive finding that all applicable requirements are met, he shall immediately issue a permit. If he finds that the applicable requirements of this Ordinance have not been met, he shall immediately issue a written denial of the application, stating the specific provisions which the application fails to meet.

c. Permits may be made subject to reasonable conditions to protect and preserve the public's health, safety, and general welfare and to assure conformity with the purposes and provisions of this Ordinance and other applicable Town Ordinances and State laws. If a permit is denied, the reasons for the denial shall be stated in writing. An appeal to the Board of Appeals from an approval or denial of an application must be made within 30 days of the approval or denial.

d. The successful applicant must post the permit in some visible place on the building site.

e. The successful applicant must mark the exact location of the structure on the site and have the Code Enforcement Officer verify that this location complies with the permit before beginning actual construction.

- 8. Permit Expiration:** Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property in that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project structurally, at which time the permit shall expire. Prior to expiration, a request for an extension will be considered. No more than one extension will be considered. After expiration, a request for a new permit will be considered. Substantial construction shall mean the completion of at least thirty percent of the permitted structure measured as a percentage of estimated total cost.

9. Requirements:

a. Setback Requirements for Principal and Accessory Structures: All newly constructed, placed, relocated, or expanded principal or accessory shall meet the following minimum setback requirements:

- (1) center line of any public road, or a common road in an approved subdivision: 50 feet;
- (2) center line of any private road: 30 feet;
- (3) all other lot lines: 20 feet;
- (4) any cemetery: 25 feet;

(5) A principal or accessory structure existing at the effective date of this Ordinance which does not comply with the provisions of Section 9 a.(1) and 9 a.(3) herein may be expanded so long as the expansion does not further reduce an existing nonconforming setback from the centerline of any public road, or a common road in an approved subdivision, or an existing lot line.

b. Maximum Height Limit for Structures: Structures shall not exceed 35 feet in height as measured from the mean original grade at the downhill side of the structure. This provision shall not apply to transmission towers, windmills, attached antennas, chimneys or flagpoles intended for personal use and similar structures having no floor area. Additionally, cupolas, domes, widow's walks or other similar features are exempt from this height limit.

c. Lot Size Requirements for Principal Structures: All applications for permits for new or relocated principal structures, and for permits for expansions or modifications of existing principal structures which would result in an increase in the number of dwelling units or an increase in the volume of waste discharged to a subsurface waste disposal system, shall include written evidence of compliance with the Georgetown Minimum Lot Size Ordinance.

d. Private Roads and Driveways:

(1) Any private road or driveway must be set back 25 feet from any cemetery.

(2) Anyone installing a driveway or entrance along a state highway is required by state law to obtain a driveway/entrance permit from the Maine Department of Transportation (DOT) before a Building Permit can be issued. A copy of the approved permit must be included with the Building Permit application. Additionally, State law requires that if a property owner intends to change the use of the entrance (e.g. from residential only to residential/small business), a permit must be obtained from Maine DOT.

e. Solid Waste Disposal:

Any contractor doing work under a building permit issued under this Ordinance must provide for private disposal of the construction waste produced as part of the work involved; such construction waste will not be accepted at the Georgetown Transfer Station.

f. Non-conforming structures:

(1) Expansion. A non-conforming structure may be added to or expanded with a permit from the Planning Board, if such addition or expansion does not increase the non-conformity of the structure.

(2) Relocation. A non-conforming structure may be relocated within the boundaries of the lot on which it 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 waste-disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the 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 a lot line, cemetery, or road or which exceeds the maximum height limit for structures and which is removed, damaged, or destroyed, regardless of cause, by more than 50 percent of the market value of the structure before such damage, destruction, or removal, may be reconstructed or replaced provided that a permit is obtained from the Planning Board within eighteen months of the date of the damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the setback or height requirements 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 located less than the required setback from a lot line, cemetery, or road or which exceeds the maximum height limit for structures and which is removed by 50 percent or less of its market value, or damaged or destroyed by 50 percent or less of its market value, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Planning Board within eighteen months of such damage, destruction, or removal.

g. Erosion and Sedimentation Control: All activities which involve filling, grading, excavation or other similar activities which result in un-stabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the Planning Board for approval and shall include, where applicable, provisions for:

- (1) Mulching and re-vegetation of disturbed soil.
- (2) Temporary runoff control features such as hay bales, silt fencing, or diversion ditches.
- (3) Permanent stabilization structures such as retaining walls or rip-rap.

h. Compliance with Other Applicable Local Ordinances: All applications for newly constructed, placed, relocated, or expanded structures shall include evidence of compliance with the Flood-plain Management Ordinance of the Town of Georgetown, if applicable.

10. Appeals to Board of Appeals:

a. Variance Appeals: A variance is authorized only for setbacks. The Board of Appeals may, upon written application in accordance with the Board of Appeals Ordinance, section VI.B, grant a variance from the strict application of this Ordinance under the following conditions:

- (1) that the land in question cannot yield a reasonable return unless a variance is granted;
- (2) that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- (3) that the granting of a variance will not alter the essential character of the locality; and
- (4) that the need is not the result of action taken by the applicant or a prior owner.

The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure 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.

b. Disability Variances: The Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The Board of Appeals 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 dwelling by the person with the disability. The Board of Appeals 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 in the dwelling. The term “structures necessary for access to or egress from the dwelling” shall include railings, walls, or roof systems necessary for the safety or effectiveness of the structure.

c. 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 Planning Board or Code Enforcement Officer only upon a finding that the decision is clearly contrary to specific provisions of this Ordinance.

d. Reconsideration: In accordance with 30-A MRSA § 2691.3.F, the Board of Appeals may reconsider any decision within 45 days of its prior decision. A request to the Board to reconsider a decision must be filed within 10 days of the decision that is being reconsidered. A vote to reconsider and action taken on that reconsideration must occur and be completed within 45 days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, Planning Board, Code Enforcement Officer, and other parties of interest,

including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony. Appeal of a reconsidered decision to Superior Court must be made within 15 days after the decision on reconsideration.

- e. **Appeal to Superior Court:** An appeal may be taken within forty-five days after any decision is rendered by the Board of Appeals by any party to Superior Court in accordance with State law.

11. Enforcement: This Ordinance shall be enforced by the Code Enforcement Officer. The Selectmen may take such actions as are necessary and proper to restrain, correct, remove, or punish violations of this Ordinance in accordance with 30A MRSA § 4452.

12. Conflict with Other Ordinances: Where a conflict exists between this Ordinance and other ordinances, laws, or regulations, the more strict provision shall apply.

13. Validity and 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 this Ordinance.

14. Definitions:

Aggrieved Party: An owner whose land is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance, an Owner whose land abuts land for which a permit or variance has been granted, or a group of five or more citizens of the municipality who have suffered a particularized injury as a result of the granting or denial of such permit or variance.

Accessory Structure: A structure of a nature customarily incidental or subordinate to that of the principal structure or the primary use to which the premises are devoted.

Center Line of a Road: A point, measured horizontally, midway between the extreme outside edges of a public right-of-way, or of the land held in government ownership, if the road is a public road; or, if the road is not a public road, a point, measured horizontally, midway between the extreme outside edges of the travel surface of soil, gravel, asphalt, or other surface material.

Commercial use - The use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which 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.

Cupola/Widow's Walk: A non-inhabitable building feature mounted on a building roof for observation purposes that does not extend beyond the exterior walls of the existing structure, has a floor area of 53 square feet or less, and does not increase the height of the existing structure by more than 7 feet.

Dwelling Unit: A room or group of rooms equipped for use as permanent, seasonal, or temporary living quarters containing cooking, sleeping, and toilet facilities. This definition includes single family and multifamily housing, mobile homes, condominiums, apartments, time-share units, and rental units, regardless of the time period rented. Recreational vehicles are not residential dwelling units.

Floor Area: The sum of the horizontal area 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, decks and docks. Floor area with a ceiling height of six feet or less shall be excluded from this calculation.

Grandfathering: Permitting a use or condition to continue because it existed prior to the adoption of regulations or ordinances limiting or precluding such use or condition. Grandfathering for a structure or use would expire one year after the structure or use ceased to exist or function as originally intended.

Home occupation: An occupation or profession which is customarily conducted on or in a residential structure or property and which (1) is clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and (2) employs only family members residing in the home.

Hoop Garage: A ribbed structure usually made of metal, covered with cloth, canvas or plastic for the storage of vehicles, boats and other goods.

Lot: A parcel of land described on a deed, plot plan, or similar legal document which document has been legally recorded in the Sagadahoc County Registry of Deeds.

Non-conforming structure: a structure which does not meet one or more of the dimensional requirements: setback or height, but which is allowed solely because it was in lawful existence at the effective date of this Ordinance, that is, was grandfathered.

Principal Structure: A structure other than one that is used for purposes wholly incidental or accessory to the use of another structure or use on the same lot.

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.

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, park model, 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.

Setback from a Lot Line: The minimum distance between a property line and the nearest part of a structure.

Setback from the Center Line of a Road: The minimum horizontal distance from the center line of a road to the nearest part of a structure.

Storage Containers: A removable prefabricated structure, sometimes with axles, for the storage of goods.

Structure: Anything built on land 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, steps, stairs, or wheelchair ramps used exclusively to gain access to a building doorway. Also excluded, poles, wiring, and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks and patios, antenna towers, and small wind-powered energy systems.

Temporary: lasting for up to seven continuous months.

15. Effective Date: This Ordinance was adopted 20 June 1987, with an effective date of 20 August 1987. Changes included herein become effective when adopted by Town Meeting.

BOARD OF APPEALS ORDINANCE

for the Town of Georgetown, Maine

Adopted June 18, 1994
Amended June 17, 2000
Amended June 17, 2017

Amended June 16, 2001
Amended June 14, 2008

Amended June 13, 2009
Amended June 12, 2010

Section I. General Provisions

- A. The Board of Appeals is established pursuant to 30-A MRSA §§ 2691, 3001, and 4353.
- B. The business of the Board shall be conducted in accordance with Maine State statutes and Town ordinances.
- C. It shall be the responsibility of each member of the Board to become familiar with all the ordinances of the Town which it may be expected to act upon as well as with applicable State statutes, the current edition of the "Manual for Local Land Use Appeals Boards" of the Maine Municipal Association (the MMA Manual), and this ordinance.
- D. It shall be the responsibility of each member of the Board to become familiar with the community's goals, desires, and policies as expressed in the Georgetown Comprehensive Plan and to grant the minimum relief which will ensure that the goals and policies of the plan are preserved.

Section II. Powers and Limitations

- A. The Board shall have jurisdiction to hear appeals and to take actions to the extent that such jurisdiction and powers are assigned to the Board by ordinances of the Town of Georgetown or by State statutes. If a State statute or Town ordinance does not specifically provide that the Board may act upon the issues covered in an application, the Board has no jurisdiction.
- B. The Board shall have the following powers, to be executed only upon a written administrative appeal or variance application by a party with standing to make the appeal or application:
 - 1. To hear and determine appeals, made under applicable Town ordinances or State statutes, by any person or entity aggrieved by a decision, action, or failure to act by the Planning Board, the Code Enforcement Officer, or other Town Officers with respect to an application for a permit, license, or other required approval.
 - 2. To interpret the provisions, which are called into question, of any applicable Town ordinance.
 - 3. To grant variances from the provisions of Town land use ordinances as provided in those ordinances and in accordance with this Ordinance and applicable State statutes.
- C. The Board is empowered to adopt and to amend, by a majority vote of its members, bylaws to govern its functions as well as such other procedural rules, application forms, and certification forms as it deems necessary for the performance of its functions. Copies of the bylaws, procedural rules, and forms shall be provided to the Board of Selectmen, the Town Clerk, the Planning Board, and the Code Enforcement Officer; and copies shall be provided to any other concerned persons or entities upon request.
- D. The Board may obtain goods and services as necessary for its proper functions within the limits of funds appropriated for that purpose.

Section III. Appointments and Members

- A. The Board shall consist of five full members and two associate members appointed by the Selectmen for terms of five years each. Members shall serve until the annual Town Meeting of the year of their designated termination, or until replaced by the Selectmen shortly thereafter, except that any member may resign without reason or notice at any time.
- B. The terms of full members shall be staggered so that the five-year term of one member expires in each

year as of the date of the annual Town Meeting. If any full member resigns or is removed from the Board before the expiry of his or her term, the Selectmen shall appoint a new member to fill the unexpired term.

- C. The terms of associate members shall be staggered so that the five-year terms of both associate members do not expire in the same year. If an associate member resigns, is appointed as a full member of the Board, or is removed from the Board before the expiry of his or her term, the Selectmen shall appoint a new associate member to fill the unexpired term.
- D. Neither a Selectman, Planning Board member, or Code Enforcement Officer, nor his or her spouse, may be a full or associate member of the Board.
- E. Any member of the Board may be removed from the Board, for cause, by the Selectmen before expiration of his or her term, but only after notice and an opportunity for a hearing at which the member has the opportunity to refute specific charges against him or her. The term "for cause" shall include, but not be limited to, failure to attend three consecutive Board meetings or hearings without sufficient justification, or voting when the member has a conflict of interest or bias.
- F. When there is a permanent vacancy of either a full or associate member, the Secretary of the Board shall immediately notify the Board of Selectmen. The Selectmen shall within sixty days appoint a person to serve as replacement.

Section IV. Officers and Duties

- A. The officers of the Board shall consist of the Chairperson and Secretary who shall be elected at the Board's first meeting after the annual Town Meeting by a majority of the Board, and an Acting Chairperson elected by a majority of the Board, as necessary in the absence, disability, or disqualification of the Chairperson,
- B. The Chairperson shall perform all duties required by statute and this ordinance, and shall preside at all meetings of the Board. The Chairperson shall rule on issues of evidence, order, and procedure, and shall take such other actions as are needed for the efficient and orderly conduct of hearings, unless directed otherwise by a majority of the Board. The Chairperson shall appoint any committees found necessary to carry out the business of the Board. The Chairperson shall, between meetings, conduct the routine housekeeping business of the Board, subject to the review and reconsideration of the Board at its next meeting.
- C. An Acting Chairperson shall have all the powers of the Chairperson during the Chairperson's absence, disability, or disqualification.
- D. The Secretary, subject to the direction of the Board and the Chairperson, shall keep minutes of all Board proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact. The Secretary shall also arrange proper and legal notice for hearings and attend to correspondence of the Board, and to such other duties as are normally carried out by a secretary. The Secretary shall keep a complete record of all resolutions, transactions, correspondence, findings, and determinations of the Board. The complete record of each hearing shall include the date, time, and place of the hearing; the subject of the hearing; identification of each participant; any agreement made between parties and the Board regarding procedures; the testimony presented; findings of fact and conclusions; the decision of the Board; and the date of issuance of the decision. All records are public and may be inspected in the Town Office during regular business hours.

Section V. Conflict of Interest and Bias

- A. Any member who feels he or she has a conflict of interest or bias about any issue or individual before the Board may recuse himself or herself from any related proceedings, including any discussion and voting.
- B. Any question of whether a particular issue involves a conflict of interest or bias sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member whose potential conflict or bias is under consideration. Any member with a conflict of interest or bias about any issue or individual before the Board must be disqualified from discussion and voting on any

question involved.

- C. If a Board member is directly or indirectly, by blood or marriage, the owner of ten percent or more interest in a corporation or other economic entity making an application or appeal to the Board, or if a Board member (or a member of his or her family to the sixth degree, or his or her employer, or the employer of a member of his or her family to the sixth degree) has a direct or indirect pecuniary interest in the outcome of the application or appeal, that Board member shall be considered to have a conflict of interest.
- D. A Board member shall be considered to have bias with respect to an application or appeal before the Board if, for example, situations such as the following exist:
 - 1. The Board member or the Board member's spouse is related within the sixth degree to the applicant, appellant, or another party with an interest in the outcome of the application or appeal, with the additional provision that in the case of an appeal from a zoning ordinance decision, bias will also be considered to exist if the Board member or the Board member's spouse is related within the sixth degree to a member of the Planning Board or the Code Enforcement Officer.
 - 2. For appeals of a Planning Board or Code Enforcement Officer decision, bias will exist if the Board member or the Board member's spouse is related within the sixth degree to a Planning Board member or the Code Enforcement Officer.
 - 3. The Board member has demonstrated bias, with respect to the general issues or the individuals involved in the application or appeal, by statements which are such as to preclude an open-minded judgment by the Board member about the specific issues and outcome of the application or appeal.

Section VI. Appeal and Variance Procedures

- A. Administrative Appeals.
 - 1. Any person or entity aggrieved by an action which comes under the jurisdiction of the Board pursuant to Section II B.1 and B.2 must file a statement of administrative appeal on forms provided at the office of the Town Clerk.
 - 2. An Application for an Administrative Appeal must be filed with the Town Clerk within 30 days of the written notice of that action, except that the Board, upon a showing of good cause such as an extraordinary health or other serious situation, may waive the 30-day requirement.
 - 3. To have standing to make an administrative appeal, the person or entity aggrieved by an action under the jurisdiction of the Board must demonstrate, in the Application for an Administrative Appeal, that the action will cause a direct and personal injury to that person or entity different from the injury suffered by the general public.
- B. Variance Requests.
 - 1. Any landowner informed by the Planning Board or Code Enforcement Officer that they need a variance to receive a building permit must file an Application for a Variance on a form provided at the office of the Town Clerk.
 - 2. The Application for a Variance must be filed with the Town Clerk within 90 days of the Planning Board or Code Enforcement Officer action, except that the Board, upon a showing of good cause such as an extraordinary health or other serious situation, may waive the 90-day requirement.
 - 3. To have standing to make a variance request, the applicant must be the property owner or the designated agent of the property owner.
- C. The Board will review the statement of appeal, or application for a variance and will determine: (a) if the application is complete, (b) if the Board has jurisdiction to take action and (c) if the person or entity has standing to make the appeal. The Board will notify the person or entity filing the statement of appeal, or application for a variance, of its determination within seven days of the Board's action.
- D. Upon receipt of the statement of appeal or application for a variance, the Town Clerk shall notify the Chairperson of the Board of the receipt of the appeal or application within twenty-four hours.

Section VII. Meetings

- A. Meetings of the Board shall be held as necessary and at times and places as determined by the Chairperson. Meetings of the Board will also be held if requested by a majority of the voting members of the Board or by the Selectmen. Notice of the time, date, and place of all Board meetings shall be posted in public places in the Town. Except in unusual situations, and with approval of the Chairperson, postings will occur at least seven days before the meeting. Hearings on appeals, as defined in Section VIII below, will be conducted as meetings of the Board.
- B. The annual organization meeting of the Board shall be the first meeting after the annual Town Meeting.
- C. All meetings shall be conducted following a written agenda. These shall proceed generally in the following order: (1) roll call and quorum determination; (2) dealing with minutes of preceding meeting; (3) action on pending cases; (4) public hearings (s) (when scheduled); (5) action on new cases and other business; (6) adjournment.
- D. All meetings of the Board shall be open to the public, except for executive sessions. No votes may be taken by the Board except in public meeting. Participation by other than Board members is limited to the public hearings and/or to responses to inquiries from Board members, as appropriate to the business at hand and/or as shall be allowed by the Chairperson who shall have broad latitude in the conduct of meetings.

Section VIII. Hearings

- A. The Board shall schedule public hearings on all appeals and variance applications within 35 days of the filing of a completed appeal or variance application, unless this time period is extended by the parties.
- B. The Board shall cause notice of the date, time, and place of the hearing, the location of the property, and the general nature of the question involved, to be given to the person making the application and to be published in a newspaper of general circulation in town, at least seven days prior to the hearing. Such notice shall also go to the Selectmen, the Planning Board, the Code Enforcement Officer, and abutting property owners at least seven days prior to the date of the hearing.
- C. If in the opinion of the Chairperson it is necessary to recess for continuation on another day, scheduling the continuation will not be constrained by the notification time limits set forth in Sections VII.A and VIII.A. Adequate notice to the public will be deemed to have been given if those persons present at the time of recess are advised at that time of the date and place for continuation.
- D. The Board shall conduct hearings following the rules outlined in the latest edition of the MMA Manual, a copy of which is available in the Town Office.
- E. During a hearing, the Board may waive any of the above rules by an affirmative vote of four voting members if good cause is shown.

Section IX. Voting

- A. All members of the Board (full and associate) may take part in any discussion or hearing. Only full members of the Board, or associate members appointed to act in the place of a full member as defined in Article VII.B below, may make motions or vote on matters concerning findings, conclusions, or decisions on applications and appeals before the Board.
- B. The Chairperson may appoint an associate member to act:
 - 1. As a full member if the Board has fewer than five full members at a meeting;
 - 2. For a full member who (1) is disqualified from voting on an application or appeal currently before the Board, or (2) is unable to attend a meeting at which Board business or an application or appeal is to be considered, or (3) was absent from a previous meeting at which an application or appeal currently under consideration before the Board was discussed.
 - 3. As a full member for a specific application or appeal until the case is decided

- C. A quorum shall consist of three members of the Board authorized to vote upon the issues which may be considered at the meeting of the Board for which the quorum is required.
- D. If a member has a conflict of interest or bias concerning a matter before the Board, said member shall not be counted by the Board in establishing the quorum for the matter.
- E. All matters before the Board shall be decided by a recorded vote. Decisions on any matter before the Board shall require that votes in favor of the motion be cast by at least three members of the Board.
- F. No member shall vote on the determination of any matter requiring public hearing unless he or she has attended the public hearing thereon; however, where such a member has, to the satisfaction of the Chairperson, familiarized himself or herself with such matter by reading the record and listening to the recording, if any, he or she shall be qualified to vote.
- G. A tie vote, or a majority vote by a number lower than three, shall require the Board to reconsider the voted issue in an effort to reach a decision. Failure to obtain the affirmative votes of at least three members of the Board shall be considered a rejection of the application or appeal under consideration.

Section X. Decisions

- A. Decisions of the Board shall be made no more than 35 days from the conclusion of the final hearing or sooner, as required by specific ordinance.
- B. The final decision on any matter before the Board shall be made by written order signed by the Chairperson. The recording and the transcript of testimony and discussion, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record. All decisions shall become part of the record and shall include a statement of findings of fact and conclusions of law, as well as the reasons or basis thereof, upon all the material issues of fact, law, or discretion presented and the appropriate order, relief, or denial thereof.
- C. The Board, in reaching its decisions, shall be guided by standards specified in the applicable State statutes, Town ordinances, policies specified in the Comprehensive Plan, and findings of fact and conclusions of law by the Board in each case. If provisions differ in ordinances, the more restrictive rule shall apply.
- D. If information from the Planning Board record is insufficient for the Board to decide an administrative appeal of a Planning Board decision, the Board may remand the matter to the Planning Board with recommendations. The Board shall retain jurisdiction until its decision is final.
- E. 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:
 - 1. Clearly contrary to specific provisions of an applicable ordinance;
 - 2. Based upon a misinterpretation of the ordinance; or
 - 3. Based upon an incorrect finding of fact or upon findings of fact unsupported by substantial evidence in the record.
- F. In deciding an administrative appeal, the Board shall:
 - 1. Take recorded votes on findings of fact suggested by the application and testimony, and
 - 2. Take separate roll-call votes on conclusions of law, including the reasons therefore.
- G. In deciding whether to grant a variance, the Board shall:
 - 1. Take recorded votes on findings of fact and
 - 2. Take separate roll-call votes on each of the criteria for granting a variance required by the relevant

Town ordinance, and any conclusions of law, including the reasons therefore.

- H. After F. or G. above has been accomplished, the Board, through the Chairperson, shall summarize the satisfaction of variance criteria (where relevant), the findings of fact, and the conclusions of law. The Board shall then take a vote on whether to approve or reject the application or appeal.
- I. Within seven days of the decision notice shall be sent by mail or hand delivered to the applicant or to his or her agent, and delivered to the Code Enforcement Officer, the Planning Board, and the Board of Selectmen.
- J. Decisions of the Board shall be immediately filed in the office of the Town Clerk and shall be made public record. The date of filing each decision shall be entered in the official records and minutes of the Board.
- K. Unless otherwise specified, any order or decision of the Board for a use requiring a permit shall expire if a building permit for the use is not obtained by the applicant within 90 days from the date of the decision; however, the Board may extend this time up to an additional 90 days.
- L. If the board grants a variance under this section, it shall prepare a certificate in recordable form indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting. The applicant must record this certificate in the local registry of deeds within 90 days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided above. The date of the final written approval shall be the date stated on the written approval.

Section XI. Reconsideration

- A. The Board may reconsider any decision as long as the Application for Reconsideration, available at the Town Office, is filed within ten days of the decision. The Board must decide to reconsider the decision, notify all interested parties, and make any change to its original decision within forty-five days of the decision. A meeting to decide whether to reconsider shall be called by the Chairperson in accordance with Section VII of this ordinance. The Board may conduct additional hearings and receive additional evidence and testimony.
- B. Reconsideration shall be for one of the following reasons:
 - 1. The record contains significant factual errors, due to fraud or mistake, regarding facts upon which the decision was based; or
 - 2. The Board misinterpreted the ordinance, followed improper procedures, or acted beyond its jurisdiction.

Section XII. Appeal to Superior Court

- A. Any party may, within forty-five days of the date on which the Board has signed its final decision, take an appeal of that decision to the Superior Court.
- B. Notwithstanding Section XII.A above, appeal of a reconsidered decision to the Superior Court must be made within fifteen days of that decision.

Section XIII. Severability

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

Section XIV. Effective Date

Revisions to this Ordinance shall take effect following approval at the regular Town Meeting.

CEMETERY DISTRICT ORDINANCE

for the Town of Georgetown, Maine

Adopted June 19, 1982;
Amended June 08, 2013

Amended June 15, 2002;

Statement of Purpose:

It is the desire of the Town to make the cemetery locations in the Town quiet, beautiful resting places for the dead where a sense of repose will be obtained by dignified landscape effects on well-maintained grounds. To secure and preserve those effects will require the cooperation of every lot owner. Everything which would mar the general beauty and harmony of the cemetery grounds and the transactions concerning them must be avoided. Peace and good order must prevail, and the sacredness of the place be maintained, at all times. This Ordinance and the powers and obligations under it shall be construed and exercised to accomplish these purposes.

1. There is hereby created a Board of the Town of Georgetown to be known as the Board of Trustees of the Georgetown Cemetery District, which shall have its own budget, be empowered to hire its own personnel, and exercise the powers conferred on it by this Ordinance, subject always to the authority of the Selectmen with respect to the approval of expenditures.
2. The Board shall consist of three persons elected by secret ballot by the Town, each of whom shall serve three-year terms except for two designated members of the initial Board of Trustees who shall serve one- and two-year terms respectively.
3. The Board shall have the power to adopt rules and regulations for the conduct of its own activities and for the operation of the cemeteries, subject to the provisions of this Ordinance. Such rule-making power shall be exercised in accordance with the provisions of the Maine Administrative Procedures Act and the Due Process clauses of the Maine and United States Constitutions.
4. The Board shall exercise its powers with respect to all Town-owned burial places in the Town of Georgetown.
5. **Purchase of Lots:** Persons desiring to purchase a lot in a cemetery are referred to the Cemetery District Trustees. The Trustees will have available information on size and price of lots and such other information as may be required, and will render assistance to those desiring to make lot purchases. Upon having made a lot selection, the Board will issue a lot order to the prospective purchaser, who will present such order at the office of the Town Clerk, where the lot sale will be made and deed issued.

6. Ownership and Title of Lots:

- a. The terms "lot owner" or "ownership" shall be construed to mean the right to use a lot or part of a lot, as purchased from the Town for a consideration, for burial purposes only and under the rules and regulations as prescribed by the Town for such use.
- b. Plots containing two graves are available at a fixed prices. Persons wishing to purchase plots will be assigned the next plot in succession. When the purchaser is assigned a plot or grave, he signs a lot order, in duplicate, identifying the location, price, terms, etc. He will be given one copy and the Board of Trustees will retain the other. As and when the full purchase price of the plot has been received by the Treasurer, however, a deed describing the plot in detail and duly signed by the Town will be issued and delivered to the purchaser.
- c. Plots will be sold as they are laid out, and the grade, which is fixed at the time of the preparation of the ground for sale, cannot be changed. No mounds on graves will be allowed. A plot book is kept at the Office of the Trustees which shows by means of accurate diagrams the dimensions of each lot sold and its precise location.

- d. All plots will be sold for cash. For the convenience of purchasers, however, plots may be sold on the installment basis after an agreement, in the form given below, has been signed by the purchaser including these terms: One-half of purchase price paid at the signing of the agreement; balance to be paid at the end of one year. One burial to be permitted in each grave and no stones to be erected until the lot is fully paid for.
- e. All lot owners are prohibited from selling or mortgaging or contracting to sell or mortgage their rights in any cemetery lot in whole or in part, or from otherwise transferring same. Neither shall they, under any circumstances, allow interments to be made in their lots for remuneration. No transfer, conveyance, or assignment of any interest or rights acquired by the lot owner shall be valid unless made in accordance with paragraph f hereof and with the written consent of the Board of Trustees and being thereafter recorded on its books. No sale or transfer of any lot will be made when an interment has been made. No transfer or sale of lots by auction will be made in the cemetery. No sale or transfer of any lot upon which the holder has neglected to pay all moneys due by him shall be made or confirmed. No sign or notice offering lots for sale will be permitted in the cemetery.
- f. The title to a cemetery lot invests in the owner the right to use such lot for burial purposes only. Lot owners cannot resell or transfer their lots to any person or persons whomsoever, but such unused portions of the lot as the owner may desire to dispose of may be listed for sale with the Town Clerk. The Town, however, assumes no obligations for making a satisfactory sale of such lots or portions of lots. Any profits derived from such sale of such lots are to accrue to the benefit of the Georgetown Cemetery District.
- g. The grading, sodding, and seeding of all plots, and the building of foundations for monuments, etc., must be under the direction of the Trustees. The Trustees may from time to time lay out or alter the avenues, or walks, and make such rules and regulations for the government of the grounds as they may deem requisite and proper, to promote the purposes of this Ordinance. All plot enclosures, fences, railings, or hedges, and all ornaments, iron chairs, or settees, are prohibited. The Trustees may remove from any lot objects that are out of keeping with the general plan of the cemetery.
- h. All lots are exempt from taxation and cannot be seized for debts except those owed to the Cemetery District.

7. Care of Lots: All cemetery lots are provided with "perpetual or endowed care," which shall be construed to mean the obligation of the Town to provide such care for the lot as mowing grass, raking and cleaning lot and adjacent alleys, filling of sunken graves, and keeping monumental work in vertical position where the income is sufficient; and in the care of avenues, alleys, fences, buildings, and grounds in general. It is understood that such expenditures shall be made at the discretion and under the direction of the Cemetery District Trustees and that the Town shall not be bound to make any separate investment of any money set aside for perpetual or endowed care, but that the same be added to the perpetual or endowed care fund of the Town and the proceeds therefrom used by the Town in the manner as heretofore provided. Nothing herein shall be construed as modifying any existing contract as to perpetual or endowed care.

8. Privileges and Restrictions:

- a. Each lot in the cemetery will, prior to its sale, be suitably marked by the Town with an iron or concrete post, placed on each lot corner and set level with the adjacent ground.
- b. No mounds shall be raised upon any grave above the general level of the lot. Mounds are difficult to maintain, as the sod grows in an unnatural position and is easily injured by heat, drought, and frost.
- c. No hedges, fences, or enclosures of any kind will be permitted on or around lots.
- d. The Town reserves the right for its workmen and those persons necessary to the performance of

normal cemetery operations to enter upon or cross over any lot in the cemetery in the performance of such duties.

- e. The Town or its employees assume no liability for damages, actual or mental anguish, in the performance of its normal operations, or loss by vandalism or other acts beyond its reasonable control.

9. Rules for Visitors:

- a. Persons or picnic parties with refreshments will not be admitted. Dogs will not be allowed in the cemetery, seeing eye dogs excepted.
- b. Firearms will be allowed in the cemetery only at military funerals.
- c. Visitors are required to use the walks and drives and are forbidden to trespass on cemetery lots, or pick any flowers (either wild or cultivated), or injure any shrub, tree, or plant, or mar or deface any monument, stone, or structure in the cemetery.

10. Interments:

- a. All interments in lots shall be restricted to members of the family, single individuals, mother, father, sister, brother, spouse, children, brother- or sister-in-law, or spouses and their parents and children.
- b. All graves shall be dug by the Town under the direction of the Trustees. Except for cremations, each casket must be interred in a vault placed in the grave.
- c. No burial will be permitted until a legal burial permit has been presented to the Trustees. The interment of the bodies of persons who have died of a contagious disease shall be in strict accordance with the rules of the State Board of Health or other responsible State agency.
- d. The lot owner or funeral director shall designate the location of the grave on the lot to the Trustees and any change of locations made after the opening of the grave has begun shall be at the expense of the lot owner.
- e. The interment of two bodies in one grave will not be allowed, except in the case of mother and infant, or twin children, or two children buried at the same time; or for the ashes of more than one individual in accordance with regulations to be established by the Trustees. No interment of any body other than that of a human being will be permitted.
- f. A representative of the Cemetery District is expected to attend every interment and to see that the rules, regulations, and strict proprieties of the place are observed.
- g. As soon as flowers, wreaths, emblems, etc., used at funerals, or placed on graves at other times, become unsightly and faded, they will be removed, and no responsibility for their protection or maintenance is assumed.

11. Removals:

- a. Removal of bodies from graves in the cemetery will be made by the Town only in accordance with the requirements of the State of Maine. Charges made by the Town for removal will be made in accordance with the difficulty of the work and are payable in advance.
- b. Lot owners or their heirs desiring graves opened shall secure the necessary disinterment permit

from the State and deliver the same to the Trustees. All removals will be made by the Town under the supervision of a licensed embalmer.

c. For sanitary reasons, graves will not be reopened for inspection except for official investigations.

12. Stone or Monumental Work: Stone and monumental work shall continue to be done in accordance with the practice before the date of this Ordinance. The Trustees are authorized, however, to adopt such rules and regulations for stone or monumental work as may become necessary to ensure conformance with prior practice or to create a change in stone and monumental works practices.

13. Vaults and Mausoleums: There shall be no mausoleums or vaults above ground level in cemetery areas subject to the jurisdiction of the Cemetery District Trustees.

14. Trees, Shrubs, and Flowers:

a. All landscaping in the cemetery will be done by the Town, but lot owners may feel free at any time to consult with the Trustees regarding matters pertaining to permissible plantings or the general care and upkeep of lots.

b. No person will be permitted to trim, prune, or remove branches from any tree or ornamental shrub in the cemetery, whether on his lot or not.

c. Permission to plant trees or shrubs on lots shall in all cases be obtained from the Trustees, and the Town reserves the right to remove any tree, shrub, or vine, or any part thereof, which may have become unsightly, dangerous, or not in keeping with the landscape design.

d. Plants or flowers may not be taken up or removed from the cemetery or cuttings removed from plants without permission from the Trustees or under their direction. All grave and flower beds will be cleaned of tender plants after the first frost in the fall.

e. In sections permitting them, individual lot plantings may not exceed five percent of the total lot area and be placed adjacent to the memorial.

**FLOODPLAIN MANAGEMENT ORDINANCE
For the Town of Georgetown, Maine**

CONTENTS

ARTICLE	PAGE
I. PURPOSE AND ESTABLISHMENT	2
II. PERMIT REQUIRED.....	2
III. APPLICATION FOR PERMIT.....	2
IV. APPLICATION FEE AND EXPERT'S FEE	4
V. REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS.....	4
VI. DEVELOPMENT STANDARDS.....	6
VII. CONDITIONAL USE REVIEW.....	14
VIII. CERTIFICATE OF COMPLIANCE.....	15
IX. REVIEW OF SUBDIVISIONS AND DEVELOPMENT PROPOSALS	15
X. APPEALS AND VARIANCES	16
XI. ENFORCEMENT AND PENALTIES.....	18
XII. VALIDITY AND SEVERABILITY	19
XIII. CONFLICT WITH OTHER ORDINANCES	19
XIV. DEFINITIONS.....	19
XV. ABROGATION.....	24

ARTICLE I-PURPOSE AND ESTABLISHMENT

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

Therefore, the Town of Georgetown, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

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

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

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

The areas of special flood hazard, Zones A, AE, AO and VE for the Town of Georgetown, Sagadahoc County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – Sagadahoc County, Maine," dated July 16, 2015 with accompanying "Flood Insurance Rate Map" dated July 16, 2015 with panels: 219F, 238F, 282F, 284F, 291F, 292F, 293F, 294F, 301F, 302F, 303F, 304F, 311F, 312F, 313F, 314F, 357F, 359F derived from the county wide digital Flood Insurance Rate Map entitled "Digital Flood Insurance Rate Map, Sagadahoc County, Maine," are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

Before any construction or other development (as defined in Article XIV), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer except as provided in Article VII. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Georgetown, Maine.

ARTICLE III - APPLICATION FOR PERMIT

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

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

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

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

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

- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
- J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate
- K. The following certifications as required in Article VI by a registered professional engineer or architect:
 - 1. a Floodproofing Certificate (FEMA Form 81-65, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;
 - 2. a V-Zone Certificate to verify that the construction in coastal high hazard areas, Zone VE, will meet the criteria of Article VI.P.; and other applicable standards in Article VI;
 - 3. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;
 - 4. a certified statement that bridges will meet the standards of Article VI.M.;
 - 5. a certified statement that containment walls will meet the standards of Article VI.N.;
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of \$25.00 for all minor development and \$ 50.00 for all new construction or substantial improvements shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

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

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 - 1. the base flood and floodway data contained in the "Flood Insurance Study - Sagadahoc County, Maine," as described in Article I.;
 - 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article IX.D., in order to administer Article VI of this Ordinance; and,
 - 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits, based on the type of development:
 - 1. A two-part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with a Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, H, or P. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a., b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

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

- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article X of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VIII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

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

A. All Development - All development shall:

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. use construction materials that are resistant to flood damage;
3. use construction methods and practices that will minimize flood damage; and
4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during flooding conditions.

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

- C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. **On Site Waste Disposal Systems** – On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. **Residential** - New construction or substantial improvement of any residential structure located within:
 - 1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
 - 2. Zones AO shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.
 - 3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
 - a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
 - b. at least three feet if no depth number is specified.
 - 4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B.; or Article IX.D.
 - 5. Zone VE shall meet the requirements of Article VI.P.
- G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:
 - 1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

- c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
2. Zones AO shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.
 3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
 - a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
 - b. at least three feet if no depth number is specified; or,
 - c. together with attendant utility and sanitary facilities be floodproofed to meet the elevation requirements of this section and floodproofing standards of Article VI.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.H.1.b.; Article V.B.; or Article IX.D., or
 - a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.
 5. Zone VE shall meet the requirements of Article VI.P.

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

1. Zones AE shall:
 - a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
 - b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
 - c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

- (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
 - (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
 - (3) all components of the anchoring system described in Article VI.H.1.c.(1) & (2) shall be capable of carrying a force of 4800 pounds.
2. Zones AO shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.
 3. Zone AO shall have the lowest floor (including basement) of the manufactured home elevated above the highest adjacent grade:
 - a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
 - b. at least three feet if no depth number is specified; and,
 - c. meet the anchoring requirements of Article VI.H.1.c.
 4. Zone A shall:
 - a. be elevated on a permanent foundation, as described in Article VI.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article IX.D.; and
 - b. meet the anchoring requirements of Article VI.H.1.c.
 5. Zone VE shall meet the requirements of Article VI.P.

I. Recreational Vehicles - Recreational Vehicles located within:

1. Zones A and AE shall either:
 - a. be on the site for fewer than 180 consecutive days,
 - b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,

c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.H.1.

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

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

1. be 500 square feet or less and have a value less than \$3000;
2. have unfinished interiors and not be used for human habitation;
3. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
4. be located outside the floodway;
5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. **Floodways** -

1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In Zones AE and A riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - b. is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.

3. In Zones AE and A riverine areas, for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

L. **Enclosed Areas Below the Lowest Floor** - New construction or substantial improvement of any structure in Zones A, AE, and AO, that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawl spaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Article XIV;
2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - a. be engineered and certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;
3. The enclosed area shall not be used for human habitation; and,
4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

M. **Bridges** - New construction or substantial improvement of any bridge in Zones A, AE, AO, and VE shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and
2. a registered professional engineer shall certify that:

- a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and
- b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

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

- 1. Zones A, AE, and VE shall:
 - a. have the containment wall elevated to at least one foot above the base flood elevation;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.
- 2. Zones AO shall have adequate drainage paths around containment walls on slopes, to guide floodwater away from the proposed walls.
- 3. Zone AO shall have the top of the containment wall elevated above the highest adjacent grade:
 - a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
 - b. at least three feet if no depth number is specified; and,
 - c. shall meet the requirements of Article VI.N.1.b. & c.

O. Wharves, Piers and Docks - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A, AE, AO, and VE, in and over water and seaward of the mean high tide if the following requirements are met:

- 1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
- 2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

P. Coastal Floodplains -

1. All new construction located within Zones AE and VE shall be located landward of the reach of mean high tide except as provided in Article VI.P.6.
2. New construction or substantial improvement of any structure located within Zone VE shall:
 - a. be elevated on posts or columns such that:
 - (1) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to one foot above the base flood elevation;
 - (2) the pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and,
 - (3) water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.
 - b. have the space below the lowest floor:
 - (1) free of obstructions; or,
 - (2) constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or,
 - (3) constructed to enclose less than 300 square feet of area with non-supporting breakaway walls that have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.
 - c. require a registered professional engineer or architect to:
 - (1) develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the *Coastal Construction Manual*, (FEMA-55); and,
 - (2) certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of Article VI.P.2.
3. The use of fill for structural support in Zone VE is prohibited.
4. Human alteration of sand dunes within Zone VE is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.
5. The area below the lowest floor shall be used solely for parking vehicles, building access, and storage.

6. Conditional Use - Lobster sheds and fishing sheds may be located seaward of mean high tide and shall be exempt from the elevation requirement in Article VI.G. only if permitted as a Conditional Use following review and approval by the Planning Board, as provided in Article VII, and if all the following requirements and those of Article VI.A., VI.K., and VI.L. are met:
 - a. The conditional use shall be limited to low value structures such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.
 - b. The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
 - c. The structure will not adversely increase wave or debris impact forces affecting nearby buildings.
 - d. The structure shall have unfinished interiors and shall not be used for human habitation.
 - e. Any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or floodproofed to one foot above the base flood elevation.
 - f. All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and when possible outside the Special Flood Hazard Area.

ARTICLE VII - CONDITIONAL USE REVIEW

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

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

1. The Flood Hazard Development Permit Application with additional information attached addressing how each of the conditional use criteria specified in the Ordinance will be satisfied, may serve as the permit application for the Conditional Use Permit.
2. Before deciding any application, the Planning Board shall hold a public hearing on the application within thirty days of their receipt of the application.
3. If the Planning Board finds that the application satisfies all relevant requirements of the ordinance, the Planning Board must approve the application or approve with conditions within 45 days of the date of the public hearing.

4. A Conditional Use Permit issued under the provisions of this Ordinance shall expire if the work or change involved is not commenced within 180 days of the issuance of the permit by the Planning Board.
5. The applicant shall be notified by the Planning Board in writing over the signature of the Chairman of the Planning Board that flood insurance is not available for structures located entirely over water or seaward of mean high tide.

B. Expansion of Conditional Uses

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

ARTICLE VIII - CERTIFICATE OF COMPLIANCE

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

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer:
 1. an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, H, or P and,
 2. for structures in Zone VE, certification by a registered professional engineer or architect that the design and methods of construction used are in compliance with Article VI.P.2.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
- C. Within 10 working days, the Code Enforcement Officer shall:
 1. review the required certificate(s) and the applicant's written notification; and,
 2. upon determination that the development conforms to the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE IX - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law, local ordinances or regulations, and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided in order to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE X - APPEALS AND VARIANCES

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

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

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 - 1. a showing of good and sufficient cause; and,
 - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
 - 3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,

4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,
 - d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as is deemed necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
 1. other criteria of Article X and Article VI.K. are met; and,
 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
 1. the development meets the criteria of Article X, paragraphs A. through D. above; and,
 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Any applicant who meets the criteria of Article X, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
 1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 2. such construction below the base flood level increases risks to life and property; and,
 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any

claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. Appeal Procedure for Administrative and Variance Appeals

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

ARTICLE XI - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to other actions, the Code Enforcement Officer may, upon identifying a violation, submit a declaration to the Administrator of the Federal Insurance Administration requesting a flood insurance denial. The valid declaration shall consist of;
 1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;

3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XII - VALIDITY AND SEVERABILITY

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

ARTICLE XIII - CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIV - DEFINITIONS

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

Accessory Structure - a small detached structure that is incidental and subordinate to the principal structure.

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

Area of Shallow Flooding - a designated AO and 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 - land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

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

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

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

Building - see **Structure**.

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

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

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

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

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

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

Elevated Building - a non-basement building that is:

- a. built, in the case of a building in Zones A, AE, or AO, so that the top of the elevated floor, or in the case of a building in Zone VE, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
- b. adequately anchored to not impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones A, AE, or AO, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L. In the case of Zone VE, **Elevated Building** also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of Article VI.P.2.b.(3).

Elevation Certificate - an official form (FEMA Form 81-31, as amended) that:

- a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,

b. is required for purchasing flood insurance.

Flood or Flooding

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

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

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

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

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

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

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

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

Floodway - see **Regulatory Floodway**.

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

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

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

Historic Structure - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

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

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

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

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

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

Recreational Vehicle - a vehicle that is:

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

Regulatory Floodway –

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

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

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

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

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

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

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

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

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

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

ARTICLE XV - ABROGATION

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

FOOD SOVEREIGNTY ORDINANCE

Town of Georgetown, Maine

Adopted June 16, 2018

1. **Authority and Purpose:** This Ordinance is intended to provide Georgetown residents unimpeded access to local food and to reduce governmental regulation of local foods to the extent permitted by home rule authority under 30-A M.R.S.A. § 3001, the Constitution of Maine, Article VIII, Part Second, and pursuant to 7 M.R.S. § 281 et seq.
2. **Definitions:** As used in this ordinance, unless the context otherwise indicates, the following terms have the meanings stated below:
 - A. **Direct Producer-to-Consumer Transaction:** A face-to-face transaction involving food or food products at the site of production of those food or food products.
 - B. **Food or Food Products:** Any food or food product intended for human consumption, including, but not limited to, milk or milk products, meat or meat products, poultry or poultry products, fish or fish products, seafood or seafood products, cider or juice, acidified foods or canned fruits or vegetables.
 - C. **State Food Law:** Any provision of Title 7 or Title 22 of the Maine Revised Statutes, or rules adopted under Title 7 or Title 22 of the Maine Revised Statutes, that regulates direct producer-to-consumer transactions.
3. **Exemption from Licensure and Inspection:** Producers and processors of local food intended for direct producer-to-consumer transactions in the Town of Georgetown shall be exempt from state licensure and inspection under state food laws. In accordance with Section 284 of the Maine Food Sovereignty Act, the State of Maine shall not enforce state food laws with respect to direct producer-to-consumer transactions.
4. **Exception for Meat and Poultry Inspections:** In accordance with Section 285 of the Maine Food Sovereignty Act, the exemption provided in Section 3 of this Ordinance does not apply to any meat or poultry product inspection and licensing requirements that are specified under applicable federal acts.
5. **Effective Date:** This Ordinance shall become effective upon adoption at Town Meeting.

HOLDING TANK ORDINANCE

For the Town of Georgetown, Maine

Adopted June 10, 1995

Amended June 18, 2011

1. Purpose: The purpose of this ordinance is to establish procedures for the use and maintenance of holding tanks designed to receive and retain waste water from residential or commercial users. Enactment of this ordinance is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of Georgetown.

2. Definitions: Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Holding Tank: A closed, water-tight structure designed and used to receive and store waste water or septic tank effluent. A holding tank does not discharge waste water or septic tank effluent to surface or ground water or onto the surface of the ground. Holding tanks are designed and constructed to facilitate ultimate disposal of septic waste at a disposal site licensed by the State, such as the Longreach Septic Facility in Bath, Maine.

Improved Property: Any property in Georgetown upon which there is a structure intended for continuous or periodic habitation, occupancy, or use by human beings or animals and from which structure waste water shall or may be discharged.

Owner: Any person vested with ownership, legal or equitable, sole or partial, of any property located in Georgetown.

Person: Any individual, partnership, company, association, corporation, or other group or entity.

Waste Water: Any liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried wastes from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or other sources of water-carried wastes of human origin. This term specifically excludes industrial, hazardous, or toxic wastes and materials.

3. Rights and Privileges Granted: The Board of Selectmen is hereby authorized and empowered to undertake within the Town the control of and methods of disposal of holding-tank waste water and the collection and transportation thereof.

4. Rules and Regulations in Conformity with Applicable Law: All such rules and regulations adopted by the Board of Selectmen shall be in conformity with the provisions herein, all other ordinances of the Town, all applicable laws, and applicable rules and regulations of the administrative agencies of the State of Maine. Holding tanks cannot be used for a first time system located within the shoreland zone or for converting a seasonal dwelling unit into a year-round residence within the shoreland zone.

5. Rates and Charges: The Board of Selectmen shall have the right and power to fix, alter, charge, and collect rates, assessments, and other charges in the Town at reasonable and uniform rates as authorized by applicable law.

6. Exclusiveness of Rights and Privileges: The collection and transportation of all waste water from any improved property utilizing a holding tank shall be done solely under the direction and control of the Board of Selectmen, and the disposal thereof shall be made at such site or sites as may be approved by the Maine Department of Environmental Protection.

7. Duties of an Owner of Improved Property: The owner of an improved property that utilizes a holding tank shall:

- A. Ensure the holding tank is pumped at least once a year, providing the system has been used;
- B. The owner or agent for the owner of a holding tank shall retain for a period of three years the copies of the pumping records, water use records (if required) and the current agreement between the owner and the tank pumper. A copy of these records must be made available to the plumbing inspector upon request. Additionally, a copy of the record of each pumping shall be sent to the Town Office.
- C. Maintain the holding tank in conformance with this or any other ordinance of Georgetown, the provisions of any applicable law, the rules and regulations of the Board of Selectmen, and any administrative agency of the State of Maine; and
- D. Permit only carriers authorized by the Board of Selectmen to collect, transport, and dispose of the contents therein.

8. Violations: Any person who violates any provisions of Section 7 shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred and not more than Three Hundred Dollars, plus costs.

9. Abatement of Nuisances: In addition to any other remedies provided in this ordinance, any violation of Section 7 shall constitute a nuisance and shall be abated by the Town or the Board of Selectmen by seeking appropriate equitable or legal relief from a court of competent jurisdiction.

10. Alternative Disposal: An alternative means of waste-water disposal shall meet first-time system criteria. Replacement system criteria shall not be considered.

11. Repeal: All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

12. Severability: If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance.

TOWN OF GEORGETOWN, MAINE

**ORDINANCE EXEMPTING ELIGIBLE ACTIVE DUTY MILITARY PERSONNEL
FROM VEHICLE EXCISE TAX**

Adopted June 16, 2012

Section 1. Authority.

This ordinance is enacted pursuant to 36 M.R.S.A. § 1483-A, which expressly authorizes such ordinances.

Section 2. Excise tax exemption; qualifications.

Vehicles owned by a resident of this municipality who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days and who desires to register that resident's vehicle(s) in this State are hereby exempted from the annual excise tax imposed pursuant to 36 M.R.S.A. § 1482.

To apply for this exemption, the resident must present to the municipal excise tax collector certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days.

For purposes of this section, "United States Armed Forces" includes the National Guard and the Reserves of the United States Armed Forces.

For purposes of this section, "deployed for military service" has the same meaning as in 26 M.R.S.A. § 814(1)(A).

For purposes of this section, "vehicle" has the same meaning as in 36 M.R.S.A. § 1481(5) and does not include any snowmobiles as defined in 12 M.R.S.A. § 13001.

Section 3. Effective date; duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect unless and until it or 36 M.R.S.A. § 1483-A is repealed.

MINIMUM LOT SIZE ORDINANCE

for the Town of Georgetown, Maine

Enacted March 5, 1977
Amended June 19, 1982

Amended June 18, 1983
Amended June 16, 1990

Amended June 14, 2008
Amended June 12, 2010
Amended June 13, 2015

1.0 PURPOSE:

Georgetown is a rural coastal community facing the possibility of continued population growth, building construction, and change such as the Town has experienced in recent years. Such change is not without problems. Shallow soils and ledge outcrops characterize the Town and limit the availability of suitable sites for the installation of subsurface waste disposal systems. This situation becomes more critical as the better pieces of land are developed and more marginal sites begin to be utilized. The adequacy and quality of water supplies are also issues.

This Ordinance seeks to protect the public health, safety, and welfare by establishing a two-acre minimum lot size throughout Georgetown. For the purposes of this Ordinance, every new lot is considered a potential building site. The Ordinance uses the disposal of wastes by subsurface systems and the two-acre minimum to establish lot sizes for various uses. This will help both in ensuring the adequate functioning of private disposal systems and in protecting private water supplies. The Ordinance will also help control the density of development and help preserve the rural character of Georgetown.

2.0 APPLICABILITY:

2.1 This Ordinance shall apply to lots created by gift, sale, lease, or devise on or after the effective date of this Ordinance.

2.2 This Ordinance shall apply to all uses of land which are proposed to commence on or after the effective date of this Ordinance.

2.3 This Ordinance shall apply to mobile homes. One mobile home shall be treated as a single family residence under Section 3.2.1. Two mobile homes shall be treated as multiple family housing under Section 3.2.2. Three or more mobile homes constitute a mobile home park (see 30-A MRSA § 4358).

3.0 SPECIFICATIONS:

3.1 Minimum Lot Size: All lots created after the effective date of this Ordinance shall have a minimum area of two acres, exclusive of wetlands, except those lots which meet the requirements of sections 4.1 or 4.2. In every instance, each lot shall be laid out so that a 150' square can fit within the area of its lot lines. In no case can any existing non-conforming lot be made less conforming.

3.2 Lot Size and Waste Generation: In all areas of Georgetown, notwithstanding any other provisions of State or local law or regulation, no person shall:

3.2.1 Dispose of wastes from any single family residence by means of subsurface waste disposal unless the lot of land on which such single family residence is located has an area of at least two acres or is exempt under sections 4.1 or 4.2.

3.2.2 Dispose of wastes from any multiple family housing by means of subsurface waste disposal unless the lot of land on which such multiple family housing is located has an area of at least three-quarters of an acre per bedroom or is exempt under section 4.2.

3.2.3 Dispose of wastes from any other land use activity by means of subsurface waste disposal unless the lot of land on which such land use activity is located has an area of one acre per 300 gallons of waste generated per day or is exempt under section 4.2.

The wastewater design flows in the Maine State Plumbing Code, revised May 1, 1981 (and subsequent revisions thereof), shall be used in determining the volume of wastes likely to be generated by various land use activities. The volume of wastes shall be used in the following formula to determine lot sizes for other land uses (two-acre minimum):

$$\text{total gallons/day} \div 300 \text{ gallons} \times 1 \text{ acre} = \text{required lot size}$$

4.0 EXCEPTIONS:

4.1 Single Family Residences:

4.1.1 Existing Lots: Persons intending to build a single family residence on a lot existing prior to the date of adoption of this Ordinance shall be exempt from the provisions of this Ordinance.

4.1.2 Existing Single Family Residences: Single family residences constructed on lots prior to the date of adoption of this Ordinance shall be exempt from the provisions of this Ordinance if the waste disposal systems of such single family residences were in conformance with all State laws and local ordinances, or were properly exempt from same, on the date of the installation of the waste disposal systems.

4.2 Suitable Soils: Persons intending to create a lot or lots in areas where soils suitable for two separate subsurface waste disposal systems exist may apply to the Code Enforcement Officer for up to a fifty percent reduction in the required two-acre minimum lot size by submitting a lot size reduction permit application. The CEO may grant such a reduction if the applicant submits documentation prepared by a licensed site evaluator indicating that the soils of each lot of less than two acres will support two separate subsurface disposal systems, designed so that all required minimum setback distances are met by both locations, and that the two disposal areas are separated by a distance equal to two times the width of the disposal area, with a minimum separation distance of 40 feet.

5.0 BOARD OF APPEALS:

The Georgetown Board of Appeals, established in accordance with 30-A MRSA § 2691, is vested with the authority to hear and decide appeals from decisions of the CEO.

6.0 ENFORCEMENT:

6.1 The Local Plumbing Inspector shall not issue a plumbing permit for a waste disposal system for any lot which does not meet the provisions of this Ordinance. The LPI shall notify the CEO of possible violations.

6.2 The Code Enforcement Officer shall act in all cases of violations of this Ordinance by notifying, in writing, the person who created the lot, the owner, and the lessee of the lot, the Board of Selectmen, and the Planning Board of the nature of the violation and the correction of same if possible.

6.3 The Board of Selectmen is charged with the prosecution for all violations of the provisions of this Ordinance. In cases where the notices referred to in paragraph 6.2 are not promptly complied with after their receipt, the Selectmen shall take such complaints to the courts as, in their judgment, are proper, or the Selectmen may institute such actions or proceedings at law or in equity as are proper to restrain, correct, remove, or punish such violations.

6.4 Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof shall, upon conviction, be punished by a fine of not more than \$100.00 and each day on which such violations shall continue shall constitute a separate offense.

7.0 DEFINITIONS:

Coastal Wetlands: All tidal and sub-tidal lands; all lands below any identifiable debris line left by tidal action; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt-water or estuarine habitat; and any swamp, marsh, bog, beach, flat, or other contiguous lowland which is subject to tidal action or normal storm flowage at any time except during periods of maximum storm activity. Coastal wetlands may include portions of coastal sand dunes.

Freshwater Wetlands: Freshwater swamps, marshes, bogs, and similar areas which are:

A. Of 10 or more contiguous acres, or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream, or brook, such that, in a natural state, the combined surface area is in excess of 10 acres; and

B. Inundated or saturated by surface or groundwater 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 subsection.

Lot: A parcel of land described on a deed, plot plan, or similar legal document which document has been legally recorded in the Sagadahoc County Registry of Deeds.

Maine State Plumbing Code: The "State of Maine Subsurface Wastewater Disposal Rules" prepared by the State Department of Health and Human Services.

Multiple Family Housing: A building or buildings designed for occupancy by two or more families, each living in its own quarters.

Single Family Residence: A room or group of rooms equipped for use as permanent, seasonal, or temporary living quarters for only one family at a time, containing cooking, sleeping, and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

8.0 EFFECTIVE DATE:

This Ordinance was adopted June 18, 1983. Changes included herein become effective when adopted by Town Meeting.

SHELLFISH CONSERVATION ORDINANCE

for the Town of Georgetown, Maine

Amended 6 March 1985	Amended 18 November 1993	Amended 15 June 2002
Amended 11 June 1988	Amended 18 June 1994	Amended 12 June 2004
Amended 16 June 1990	Amended 10 June 1995	Amended 17 June 2006
Amended 8 June 1991	Amended 15 June 1996	Amended 16 June 2007
Amended 13 June 1992	Amended 14 June 1997	Amended 14 June 2008
Amended 12 June 1993	Amended 17 June 2000	Amended 18 June 2016
Amended 17 June 2017	Amended 16 June 2018	

I. Authority: This Ordinance is enacted in accordance with 12 MRSA § 6671.

II. Purpose: To establish a shellfish conservation program for the Town of Georgetown which will ensure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means which may include:

- A Licensing
- B Limiting the number of shellfish harvesters
- C Restricting the time and area where digging is permitted
- D Limiting the minimum size of clams taken
- E Limiting the amount of clams taken daily by a harvester

III. Shellfish Conservation Committee: The shellfish conservation program for the Town of Georgetown will be administered by the Shellfish Conservation Committee, consisting of five or more members, of which one may be a non-resident of Georgetown, to be appointed by the Board of Selectmen for staggered three-year terms. The Committee's responsibilities include:

- A Establishing annually, in conjunction with the Department of Marine Resources, the number and kind of shellfish digging licenses to be issued;
- B Surveying each clam-producing area at least once each three years to establish size distribution and density and annually to estimate the status of the Town's shellfish resources;
- C Submitting to the Board of Selectmen proposals for the expenditure of funds for the purpose of shellfish conservation;
- D Keeping this Ordinance under review and making recommendations for its amendment;
- E Securing and maintaining records of shellfish harvest from the Town's managed shellfish areas and closed areas that are conditionally opened by the Department of Marine Resources;
- F Recommending conservation closures and openings to the Board of Selectmen in conjunction with the Area Biologist of the Department of Marine Resources;
- G Identifying and qualifying shellfish conservation projects and determining yearly how many hours of conservation time applicants or license holders must complete to qualify for new licenses or license renewals; and
- H Submitting an annual report to the Town and the Department of Marine Resources covering the above topics and all other committee activities.

IV. Definitions:

- A Resident: The term "resident" refers to a person who owns or rents real estate in the Town of

Georgetown which is his or her permanent, fixed place of abode and principal place of residence. If a person claiming to be a resident neither owns nor rents real estate in the Town of Georgetown, he or she shall be required to produce such other evidence of residence as the Town Clerk may require. A person shall not qualify as a resident of Georgetown unless he or she has maintained a permanent, fixed place of abode and principal place of residence in Georgetown for three months prior to claiming residence. A person shall cease to be a resident of Georgetown on the date he or she acquires a permanent, fixed place of abode and principal place of residence in any other Town or moves from the Town of Georgetown.

- B Non-resident: The term “non-resident” shall apply to anyone not qualified as a resident under this Ordinance.
- C Shellfish, Clams, and Intertidal shellfish resources: When used in the context of this Ordinance, the terms “shellfish,” “clams,” and “intertidal shellfish resources” mean soft-shell clams (*Mya arenaria*), hen clams (*Spisula solidissima*), razor clams (*Ensis directus*), quahogs (*Mercenaria mercenaria*), American Oysters (*Crassostrea virginica*) and European Oysters (*Ostrea edulis*).
- D Clam Flats: The term “clam flats” means the area between high water and extreme low water.
- E Lot: The word “lot” as used in this Ordinance means the total number of soft-shell clams in any bulk pile. Where soft-shell clams are in a container, the contents of each container constitutes a separate lot.
- F Possess: For the purpose of this Ordinance, “possess” means dig, take, harvest, ship, transport, hold, buy and sell, retail and wholesale, soft-shell clam shellstock.
- G Student: For the purpose of this Ordinance, “student” shall apply to any person actively enrolled in or entering grades 5 through 12 as of the date of application.

V. Licensing: A Town Shellfish Digging License is required. It is unlawful for any person to dig or take shellfish from the shores and flats of Georgetown without having a current license issued by the Town as provided by this Ordinance. A commercial digger must also have a valid State of Maine commercial shellfish license issued by the Department of Marine Resources, but need not purchase the State license before obtaining the Town license. Of the total licenses issued, both commercial and recreational, ten percent shall be reserved for non-residents. Applicants for non-resident recreational licenses will follow the lottery routine specified in paragraph D.12 below; they need not be present at the lottery.

A Designation, Scope, and Qualifications:

- 1 Resident Commercial Shellfish License: This license is available to residents of the Town of Georgetown and entitles the holder to dig or take any amount of shellfish from the shores and flats of Georgetown and reciprocating municipalities, with no more than one peck daily being the acceptable level of harvest from Reid State Park.
- 2 Non-Resident Commercial Shellfish License: This license is available to non-residents of the Town of Georgetown and entitles the holder to dig or take any amount of shellfish from the shores and flats of Georgetown, with no more than one peck daily being the acceptable level of harvest from Reid State Park.
- 3 Resident Recreational Shellfish License: This license is available to residents and real-estate taxpayers of the Town of Georgetown and entitles the holders to dig or take no more than one peck of soft-shell clams and one and one half bushels of hen clams in any one day. Shellfish so harvested are for the use of the holders, their families, and their guests, and shall not be sold. This license is not available to holders of State of Maine commercial shellfish licenses.

- 4 Non-Resident Recreational Shellfish License: This license is available to any person not a resident of Georgetown and entitles the holders to dig and take not more than one peck of soft-shell clams and one and one half bushels of hen clams in any one day. Shellfish so harvested are for the use of the holders, their families, and their guests, and shall not be sold. This license is not available to holders of State of Maine commercial shellfish licenses.
 - 5 Non-Resident Seven-Day Recreational Shellfish License: This license is available to any person not a resident of Georgetown and entitles the holders to dig and take not more than one peck of soft-shell clams and one and one half bushels of hen clams in any one day. Shellfish so harvested are for the use of the holders, their families, and their guests, and shall not be sold. This license is not available to holders of State of Maine commercial shellfish licenses and expires seven days from the date of issue.
 - 6 License must be signed: The licensee must sign the license to make it valid.
 - 7 A license is not required to harvest one peck of clams from the shores of Reid State Park.
- B Application Procedure: Any person may apply in person to the Town Clerk or mail in a completed application for the license required by this Ordinance on forms provided by the Town.
- 1 Contents of the Application: The application must be in the form of an affidavit and must contain the applicant's name, current address, birth date, height, weight, signature, and whatever information the Town may require.
 - 2 Misrepresentation and Ineligibility: If after investigation the Town learns that a licensee has given false information or is otherwise ineligible to hold a license under this ordinance, the Selectmen shall give the licensee a minimum of seven days notice of a hearing on the matter. If the Selectmen determine at the hearing that the license should be revoked, they shall give the licensee written notice of revocation. Any licensee aggrieved by their decision may appeal to the Superior Court.
 - 3 No shellfish license will be issued to anyone with unpaid Town or State shellfish fines.
- C Fees: The fees for the licenses are as stated below and must accompany in full the application for a recreational license. Applicants for commercial licenses through the lottery must pay the fee required when they pick them up. The Town Clerk shall pay all fees received to the Town Treasurer except for \$1 for each license which she will retain as payment for issuing the license. Recreational license fees are waived for persons sixty-five years of age or older, those twelve years of age or younger, and those who have contributed four hours of conservation time in accordance with Article III, Section G of this Ordinance.

Resident Commercial:	\$ 200 per year
Resident Student Commercial:	\$ 100 per year
Non-Resident Commercial:	\$ 400 per year
Non-Resident Student Commercial	\$ 200 per year
Resident Recreational:	\$ 20 per year
Non-Resident Recreational:	\$ 35 per year
Non-Resident Seven-Day Recreational	\$ 25 per license

Visitors may purchase Non-Resident Seven-Day Recreational licenses from the Town Clerk or from agents appointed by the Board of Selectmen, in consultation with the Town Clerk and members of the Shellfish Conservation Committee. With their licenses they shall receive brochures outlining license restrictions and other applicable information. The Board of Selectmen shall approve agents to purchase Non-Resident Seven-Day Recreational licenses from the Town Clerk for resale and shall authorize them to charge no more than \$1 in addition to the fee set above. The Selectmen may withdraw their approval during the year for cause and may set

additional conditions for selling these licenses as necessary.

- D Limitation of Diggers: Clam resources vary in density and size distribution from year to year and over the limited soft-clam-producing area of the Town. It is essential that the Town carefully manage its shellfish resources. Following the annual review of the Town's clam resources, its size, distribution, and abundance, and the Shellfish Warden's reports, as required by Article III, the Shellfish Conservation Committee in consultation with the DMR Area Biologist and Shellfish Warden will determine whether limiting commercial or recreational shellfish licenses is an appropriate shellfish management option for the following year. The following procedures will be followed to exercise the control.
- 1 Prior to 1 May, the Shellfish Conservation Committee, with the approval of the Commissioner of Marine Resources, will establish the number of commercial and non-commercial licenses to be issued following the requirements of 12 MRSA § 6671.
 - 2 The Shellfish Conservation Committee will notify the Town Clerk in writing prior to 15 May of the number of licenses to be issued.
 - 3 Notice of the number of licenses to be issued and the procedure for application shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which the Selectmen consider effective in reaching persons affected, not less than ten days prior to the period of issuance, and shall be posted in the Town Office until the period concludes.
 - 4 The Town Clerk shall issue recreational licenses to residents and non-residents as allocated from the first business day in July. The Town Clerk shall issue allocated commercial licenses as outlined in paragraphs D 6 or D 11 of this section.
 - 5 Licenses returned to the Town voluntarily or made available for any reason may be reissued to another person at the current fee according to the priorities established in paragraph D 11 of this section.
 - 6 All commercial shellfish license holders who have purchased their licenses prior to 1 October of the previous year and who have completed the prescribed number of hours of shellfish conservation work under the supervision of the Town Shellfish Warden or a member of the Shellfish Conservation Committee shall have one month prior to the first business day in July to purchase their licenses. They may appear in person at the Town Office or mail in a completed Commercial Shellfish License application prior to the first business day in July. Anyone who mails an application is responsible for ensuring that the Town has received it. Holders of student commercial licenses are not eligible to purchase non-student commercial licenses prior to the first business day in July.
 - 7 The Shellfish program coordinator shall record the names and hours worked for all those who do conservation work and provide this information to the Committee and to the Town Clerk.
 - 8 The Shellfish Conservation Committee shall waive all or part of the requirement for conservation time for an applicant who provides a written statement from a physician indicating that he or she was unable to participate in any regularly scheduled conservation because of illness or injury. At the request of an applicant, made at a regular monthly meeting of the Committee, it may arrange on an hour-for-hour basis:
 - a another time to complete conservation work for an applicant who demonstrates that the illness or incapacitation of a parent, spouse, or child has prevented him or her from participating in a regularly scheduled conservation time; or
 - b alternate, less strenuous work for an applicant who provides the Committee with a written

statement from a physician indicating that he or she is not physically able to participate in regular conservation work.

- 9 In the event that the Shellfish Conservation Committee, with the approval of the Commissioner of Marine Resources, decides to reduce the number of commercial licenses to be issued, licenses shall be awarded according to seniority in terms of the number of consecutive years that each applicant has held a valid Georgetown Commercial Shellfish License. The claim of seniority must be verified by reference to Town records of licenses awarded in previous years. The applicant who has held a Georgetown Commercial Shellfish License the greatest number of years shall be awarded the first license, the second-longest Georgetown license-holder shall be awarded the second license, and so on until all commercial licenses have been issued to applicants fulfilling the qualifications listed above. Any person denied a license because such a reduction shall take precedence over others not so qualified should the original number of licenses be restored.
 - 10 New resident, resident student, non-resident student, and non-resident commercial licenses will be issued according to lottery. The first lottery will consist of the names of those applicants as allocated who have completed the prescribed hours of conservation work. A student commercial lottery, if needed, shall be held prior to any non-student commercial lottery. If necessary, further lotteries may be held for applicants who have not completed the prescribed hours of conservation work.
 - 11 Applicants for all commercial licenses must register in person for the lottery on the first two business days of July and must be present for the drawing, regardless of whether or not there are available licenses. No one may register for the lottery on the day of the drawing. The lottery will be held in public at the Town Office at 9:30am on the third business day of July. The Town Clerk will record all names in the order in which they are drawn. Available licenses will be issued to those present. Any licenses that become available at a later date will be issued according to the order of draw. In the event a commercial license is returned and there are no eligible names on the waiting list, that license will not be reissued during that fiscal year.
 - 12 Applicants for non-resident recreational licenses must register for a lottery to be held after the lottery for commercial licenses on the third business day of July. Those who have registered on the first two business days of July will be eligible for that drawing. Those who register after that drawing will have their names added at the end of the list.
- E License Expiration Date: Each license issued under authority of this Ordinance expires at midnight on the 30th day of June next following the date of issue, except that Non-Resident Recreational Seven-Day licenses expire seven days from the date of issue.
- F Reciprocal Harvesting Privileges: Licensees from any other municipality cooperating with this Town on a joint shellfish management program may harvest shellfish according to the terms of their licenses.
- G Suspension: Any commercial shellfish license holder having two convictions for any State or Georgetown shellfish violation in a twelve-month period shall have his or her shellfish license suspended for a period of sixty days. The suspension shall be effective from the date of the second conviction. A third conviction in a twelve-month period will result in the loss of eligibility for any Georgetown license for three years from the date of the third conviction. Any recreational shellfish license holder having one conviction shall have his or her shellfish license suspended for a period of sixty days, effective from the date of conviction. A second conviction within twenty-four months of the first will result in the loss of eligibility for any Georgetown shellfish license for three years from the date of the second conviction.

VI. Opening and Closing of Flats: The Selectmen, with the approval of the Commissioner of Marine

Resources, may open and close areas for shellfish harvest. Upon recommendation of the Shellfish Conservation Committee and concurrence of the DMR Area Biologist that the status of the shellfish resource and other factors bearing on sound management indicate that an area should be opened or closed, the Selectmen may call a public hearing on ten days notice published in a newspaper having general circulation in Georgetown, stating the time, place, and subject matter of the hearing, and shall send a copy of the notice to the Department of Marine Resources. The decision of the Selectmen made after the hearing shall be based on findings of fact.

VII. Minimum Legal Size of Soft-shell Clams: It is unlawful for any person to possess soft-shelled clams in the Town of Georgetown which are less than two inches in the longest diameter, except as provided by Section A of this Article.

- A Tolerance: Any person may possess soft-shelled clams that are less than two inches if they comprise less than ten percent of any lot. The tolerance shall be determined by numerical count of not less than one peck nor more than four pecks taken at random from various parts of the lot or by a count of the entire pile if it contains less than one peck.
- B Penalty: Anyone who violates this section shall be punished as provided by 12 MRSA § 6681.

VIII. Harvesting at Night: It is unlawful to harvest shellfish at night using artificial light. The Shellfish Warden and the Marine Patrol may harvest shellfish at night with artificial light for the Officer Salty program and the Boothbay Aquarium, but only after notifying the Marine Patrol office in Boothbay.

IX. Enforcement: The Shellfish Warden is charged with enforcing this Ordinance. Anyone who violates its terms shall be punished as provided by 12 MRSA § 6671, §6621, §6025(4) and §6953

- A DMR Pollution Closures: It shall be unlawful for any person to harvest, take or possess shellfish from any areas closed in the Town of Georgetown in accordance with DMR Regulation, Chapter 23; and it shall be unlawful to wash, hold, or keep shellfish in any area closed by DMR regulation or to possess, ship, transport, or sell shellfish so washed, held, or kept. Harvesting shellfish in a closed area is a violation of this municipality's ordinance and is punishable under MRSA Title 12 §6671.
- B Conservation Closures: It shall be unlawful for any person to harvest, take or possess shellfish from any areas closed by the Town of Georgetown in accordance with DMR Regulation, Chapter 7. Harvesting shellfish in a closed area is a violation of this municipality's ordinance and is punishable under MRSA Title 12 §6671
- C Stopping for Inspection & Penalty: It shall be unlawful for the operator of a motor vehicle, boat, vessel, airplane or conveyance of any kind, or any person:
 - 1. Stopping: To fail or refuse to stop immediately upon request or signal of any certified municipal shellfish conservation warden in uniform;
 - 2. Remaining stopped: After he has so stopped, to fail to remain stopped until the certified municipal shellfish conservation warden reached his immediate vicinity and makes known to that operator the reason for the request or signal;
 - 3. Standing By: To fail or refuse to stand by immediately for inspection on request of any certified municipal shellfish conservation warden in uniform;
 - 4. Throwing or dumping items: Who has been requested or signaled to stop by a certified municipal shellfish conservation warden in uniform to throw or dump into any water any marine organism, or any pail, bag, barrel or other container of any type, or the contents thereof, before the certified municipal shellfish conservation warden had inspected the same.

Violation of this section is a Class D crime, except that the court shall impose a fine of not less than \$500. A court may not suspend a fine imposed under this section.

X. Aiding and Abetting: A harvester holding a commercial license who knowingly helps, assists, or facilitates the harvest of shellfish in violation of this Ordinance shall be subject to prosecution for the same violations and shall suffer the same penalties as the person assisted.

XI. Effective Date: This Ordinance, which has been approved by the Commissioner of Marine Resources, shall become effective after its adoption by the Town of Georgetown provided a certified copy of it is filed with the Commissioner within twenty days of its adoption. It shall be the responsibility of the licensee to keep informed of all amendments to this Ordinance.

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

XIII. Repeal: Any Ordinance regulating the harvesting or conservation of shellfish in the Town and any provision of any other Town Ordinance which is inconsistent with this Ordinance is hereby repealed.

SMALL WIND-POWERED ENERGY SYSTEMS ORDINANCE

for the Town of Georgetown, Maine

Adopted 13 June 2009

Section 1. Purpose: The purpose of this Ordinance is to regulate the placement, construction, and modification of small, fixed, wind-powered energy systems while allowing the safe, effective, and efficient use of this technology.

Section 2. Authority: This Ordinance is adopted pursuant to the “home rule” provisions of the Maine State Constitution, Article VIII, Part Second, and 30A MRSA §§ 2101 and 3001.

Section 3. Applicability: This Ordinance applies to the construction of small wind-powered energy systems in all areas of Georgetown, including those governed by the Shoreland Zoning Ordinance.

Section 4. Effective Date: This Ordinance shall take effect upon approval at Town Meeting.

Section 5. Validity and 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 this Ordinance.

Section 6. Conflict With Other Ordinances: Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation, or statute, the more restrictive provision shall apply.

Section 7. General Requirements for Small Wind-Powered Energy Systems: The following general requirements shall apply to all small wind-powered energy systems:

- a. Each lot shall be limited to one small wind-powered energy system.
- b. Small wind-powered energy systems shall not exceed a maximum system height of 100 ft. This is an allowed exception to the structure height limitations set forth in the Building Permit and the Shoreland Zoning ordinances.
- c. Wind turbines and their support structures, if painted, shall be painted a non-reflective, non-obtrusive color.
- d. Small wind-powered energy system towers shall not be lighted unless required by the Federal Aviation Administration (FAA) or other public authority.
- e. Wind turbines and their towers shall not be used for displaying any advertising except for reasonable identification of the manufacturer.
- f. Prior to commencing any construction, a Building Permit must be obtained in accordance with the Building Permit or Shoreland Zoning Ordinances, as applicable.
- g. Wind turbines and their towers are not permitted in Resource Protection Zones.

Section 8. Setback Requirements: The following setbacks and separation requirements shall apply to all small wind-powered energy systems:

- a. Property Lines: Each small wind-powered energy system shall be set back a distance equal to one hundred and ten percent of its total height from adjoining property lines and at least 75 feet from the normal high-water line or the upland edge of a wetland.

- b. Structure on an abutter's property: A small wind-powered energy system shall be set back a distance equal to one hundred and fifty percent of its total height from any structure on adjoining properties.
- c. Roads: Each small wind-powered energy system shall be set back from the nearest public or private road a distance of no less than one hundred and ten percent of its total height from the nearest boundary of the underlying right of way for such road.
- d. Communication and electrical lines: Each small wind-powered energy system shall be set back from the nearest aboveground public electric power line or telephone line a distance of no less than one hundred and ten percent of its total height, as determined from the existing power line or telephone line.

Section 9. Noise Limitation Requirements: All small wind-powered energy systems shall meet the following requirements:

- a. An automatic braking, governing, or feathering system shall be required to prevent uncontrolled rotation.
- b. Prior to approval, the applicant shall provide documentation from the manufacturer that the wind energy system will not produce noise levels in excess of 66 db as measured at the applicant's property lines.
- c. After installation, the owner shall have sound level measurements taken at the property lines of the lot on which the generator is sited to determine operating decibel levels. Copies of all readings taken shall be provided to the Code Enforcement Officer to append to the original building permit application.
- d. Upon complaint of an abutter, ambient and maximum permitted decibel measurements shall be performed by an agent approved by the Code Enforcement Officer. The report shall be submitted to the Code Enforcement Officer for review. The fee for this service shall be paid by the complainant unless the maximum permitted decibel level has been exceeded, in which case the owner of the system shall pay the fee.
- e. If the maximum decibel readings are exceeded, the installation shall be considered a nuisance.
- f. The nuisance must be corrected within 90 days of notification. If the violation cannot be corrected, the small wind energy system shall be removed or relocated.

Section 10. Minimum Ground Clearance: The blade tip of any wind turbine shall, at its lowest point, have a ground clearance of no less than 20 feet.

Section 11. Signal Interference: The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone, or television signals, caused by any small wind energy system.

Section 12. Safety: The following safety requirements shall be adhered to:

- a. All wiring between the wind turbine and the residence/facility served shall be underground.
- b. Wind turbine towers shall not be climbable up to 15 feet above ground level.
- c. All access doors to wind turbine towers and electrical equipment shall be locked.

- d. Appropriate warning signage shall be placed on wind turbine towers, electrical equipment, and wind energy facility entrances.

Section 13. Permitting Requirements: In addition to the application and supporting documentation required by the Building Permit or Shoreland Zoning ordinances, the applicant for a small wind-powered energy system shall provide the following information to the Code Enforcement Officer:

- a. Structural drawings of the wind tower, base pad, footings, and guy wires, prepared by the manufacturer or a professional engineer.
- b. Drawings and specifications of the generator, hub, and blade, prepared by the manufacturer or a professional engineer.
- c. Photographs of the proposed site and the specific small wind-energy system to be installed.
- d. Proof that the applicant has notified abutters by certified mail, return receipt requested, of the proposed installation.

Section 14. Enforcement: This Ordinance shall be enforced by the Code Enforcement Officer. The Selectmen may take such actions as are necessary and proper to restrain, correct, remove, or punish violations of this Ordinance in accordance with 30A MRSA § 4452.

Section 15. Definitions: As used in this Ordinance, the following terms shall have the meanings indicated:

Ambient Decibel Levels: Measurements made during winds of 0 mph and up to 25 mph (gusts) as reported by Wiscasset Municipal Airport.

Hub Height: The distance measured from ground level to the center of the turbine hub.

Maximum Decibel Levels: Measurements taken at startup and maximum output speeds of the turbine including braking or furling conditions.

Small Wind-Powered Energy System: A wind energy conversion system consisting of a tower, wind turbine, and associated control conversion electronics which will be used primarily to produce electrical power.

System Height: The hub height plus the length of the blade extended to its highest point.

Tower: The structure on which the wind-powered energy system is mounted.

Tower Height: The height above grade of the fixed portion of a tower, excluding the wind turbine.

Wind Turbine: The parts of the wind system including the blades, generator, and tail.

SOLID WASTE DISPOSAL ORDINANCE

for the Town of Georgetown, Maine

Adopted 18 June 2005

Amended 14 June 2008

Amended 17 June 2017

Section 1. Purpose

This Ordinance is designed to regulate solid waste disposal, establish a Solid Waste Committee, govern the operation of the Georgetown Transfer Station, encourage recycling as an environmentally and fiscally sound method of reducing the waste stream, protect the environment of the Town, and otherwise protect the health, safety, and welfare of the citizens of Georgetown.

Section 2. Authority

This Ordinance is adopted pursuant to and consistent with municipal home rule powers provided in Article VIII, Part 2, Section 1, of the Constitution of the State of Maine and 30-A MRSA § 3001.

Section 3 Definitions

The definitions in 38 MRSA § 1303-C shall govern the construction of words contained in this Ordinance unless defined below. Any words not defined here or in statute shall have their common and ordinary meanings.

- A **Attendant:** the person or persons employed by the Town to supervise the Transfer Station and operate necessary equipment.
- B **Bulky Waste:** any acceptable waste that is not construction waste, municipal solid waste, or recyclables.
- C **Commercial Hauler** is any person who is paid to take solid waste to the Transfer Station or who takes solid waste to the Transfer Station as part of a service for hire.
- D **Construction Waste:** Defined by the Maine Department of Environmental Protection (DEP) as Solid waste resulting from construction, remodeling, repair, and demolition of structures. It includes, but is not limited to: building materials, asphalt, and wall board. It excludes: partially filled containers of glues, tars, solvents, resins, paints, or caulking compounds; friable asbestos; and other special wastes.
- E **Hazardous Waste:** A waste substance or material, in any physical state, that exhibits a hazardous characteristic, or is designated and listed as hazardous under Maine Hazardous Waste Management Regulations.
- F **Household Hazardous Waste (HHW):** Any hazardous waste material excluded from identification as a hazardous waste under Maine Hazardous Waste Management Regulations because it is generated by households.
- G **Municipal Solid Waste:** Defined by the Maine Department of Environmental Protection (DEP) as solid waste emanating from household sources.
- H **Person:** anyone operating under this Ordinance, including residents and non-residents.
- I **Public Way:** any road, highway, street, lane, private way, or similar thoroughfare, whether public or private, that serves two or more properties.
- J **Recyclables:** items suitable for separation from the regular waste stream for reuse or recycling.
- K **Resident:** any person owning or renting real property in Georgetown, regardless of residence, and long-term renters of three months or more.
- L **Seasonal Renter:** anyone who rents real residential property for a period of days or weeks, as opposed to a long-term renter.
- M **Special Waste:** Defined by the Maine Department of Environmental Protection (DEP) as a solid waste generated by sources other than household and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, that may disrupt or impair effective waste management or threaten the public health, human safety or the environment and requires special handling, transportation and disposal procedures.
- N **Structure:** any building, deck, dock, pier, trailer, or boat.
- O **Universal Waste (UW):** A hazardous waste that is widely generated, as defined by the Maine Department of Environmental Protection (DEP) in the Maine Hazardous Waste Management Regulations. UW includes, but is not limited to, electronic devices and items that contain mercury.

Section 4 Solid Waste Committee

- A The Solid Waste Committee created under this Ordinance shall consist of as many as seven members and a number of alternates appointed by the Selectmen for staggered three-year terms. The Committee is empowered to elect its own officers.
- B The Committee shall advise the Selectmen and the Town on a budget for the Transfer Station and shall manage the budget as approved at Town Meeting.
- C The Committee shall monitor operation of the Transfer Station and advise the Selectmen and the Town as to trends, issues, and possible efficiencies in its operation.
- D The Committee shall review operating procedures for the Transfer Station and recommend any necessary changes to the Selectmen.
- E The Committee shall advise the Selectmen and the Town on issues, trends, and mandates of waste disposal and recycling at the local, State, and Federal levels.
- F The Committee shall promote recycling as an environmentally and economically sound alternative to waste disposal when appropriate.
- G The Solid Waste Committee shall endeavor to provide as much space as is appropriate and feasible for waste disposal and recycling.
- H The Committee shall budget, arrange, and publicize town participation in Bath-Brunswick area HHW collection events.
- I The Committee shall provide information to the public about recycling procedures and disposal options for items that are not accepted at the Transfer Station.

Section 5 Georgetown Transfer Station

- A The Transfer Station is designed as a place where Georgetown residents and seasonal renters can recycle or dispose of municipal solid waste, where those materials can be stored temporarily, and where waste haulers can remove those materials easily. It shall be operated in ways consistent with applicable Federal and State laws and regulations.
- B Admission to the Transfer Station shall be by permit sticker only. Permit stickers are available at the Town Office on request with proof of residence, as defined above in Section 3.K. Seasonal renters must obtain permit stickers from their landlords. Permit stickers must be displayed on vehicles or in their windows to gain access to the Transfer Station. Permit stickers issued to persons no longer resident in Georgetown are void. The Selectmen may revoke a permit sticker following notice and hearing of a violation of this Ordinance or operating procedures.
- C The Selectmen, in consultation with the Solid Waste Committee, shall establish operating procedures for the Transfer Station. Operating procedures, hours, and any other relevant information shall be displayed at the Transfer Station and at the Town Office.
- D Anyone who uses the Transfer Station shall do so at the strict direction of the Attendant. No person shall violate the operating procedures set forth for the Transfer Station or any directives issued by the Attendant. If any person refuses to obey any directives or operating procedures, the Attendant shall have the authority to deny access to the Transfer Station for that person until he or she complies or until the Selectmen have had the opportunity to hear the complaint.
- E No person shall enter or use the Transfer Station outside of the regular hours of operation.
- F No waste generated outside Georgetown will be accepted.
- G No commercial haulers will be allowed to dispose of waste at the Georgetown Transfer Station.
- H No person shall dispose of Household Hazardous Waste at the Transfer Station. The attendants are prohibited from accepting HHW.
- I Items classified as Universal Waste (UW) must be handed directly to an attendant.

Section 6 Illegal Dumping of Waste

- A No person shall discard any municipal solid waste, construction waste, bulky waste, abandoned vehicles, or other litter along public ways, on public land, or on any private property other than his or her own.
- B No person shall transport municipal solid waste, construction waste, bulky waste, rocks, gravel, or other materials on the public ways in an unsecured manner that allows them to become deposited on or along the public ways.

- C No person shall operate a junkyard without appropriate licensing under applicable State law and Town ordinances.
- D No person shall dispose of hazardous wastes anywhere in Georgetown in a manner not allowed under this ordinance or applicable Federal or State law.

Section 7 Enforcement, Violations, and Penalties

- A Any person who violates the terms of this Ordinance shall be subject to a fine assessed by the Selectmen of not less than \$50 or more than \$500 for each violation, as well as the cost of cleanup.
- B Any person assessed a penalty under this Ordinance may appeal to the Board of Appeals.
- C Any person found guilty of a violation under this Ordinance shall be liable for the legal costs of the Town, as well as the cost of cleanup.

Section 8 Validity and Conflict of Ordinances

- A If any part of this Ordinance is found to be invalid, unconstitutional, or inapplicable, that finding shall not affect or impair the remaining provisions of this Ordinance.
- B If this Ordinance conflicts with other ordinances of the Town of Georgetown, the strictest provisions shall apply.
- C This Ordinance does not preempt any similar Federal or State laws or regulations that are more restrictive.
- D By adopting this Ordinance, the citizens of the Town of Georgetown hereby repeal the Abandoned Automobile Ordinance (adopted 8 August 1973), the Dump Ordinance (adopted 8 August 1973), the Hazardous Waste Disposal Ordinance (adopted 20 June 1981), and the Litter Ordinance (adopted 6 March 1971).

SUBDIVISION ORDINANCE

Town of Georgetown, Maine

Adopted 19 June, 1982	Amended 17 June, 2000	Amended 17 June, 2017
Amended 23 June, 1984	Amended 12 June, 2010	Amended 16 June, 2018
Amended 22 June, 1985	Amended 13 June, 2015	

1. GENERAL PROVISIONS

1.1	Purpose	2
1.2	Authority and Title	2
1.3	Administration	2
1.4	Applicability	2
1.5	Definition	2
1.6	Enforcement	4
1.7	Validity	4
1.8	Conflict	4
1.9	Amendment	4
1.10	Effective Date	4

2. REVIEW PROCEDURES

2.1	Introduction	4
2.2	Pre-Application Conference	5
2.3	Site Inspection	5
2.4	Application Submission	5
2.5	Fees	6
2.6	Application Review	6
2.7	Review Criteria	7
2.8	Public Hearing	8
2.9	Planning Board Decision	9
2.10	Appeals	9
2.11	Final Approval and Filing	9
2.12	Inspection of Required Improvements	9

3. APPLICATION REQUIREMENTS

3.1	Application Form	10
3.2	Location Map	10
3.3	Subdivision Plan	10
3.4	Documents	12
3.5	Requests for Additional Information	12
3.6	Submission of Evidence for Approval	14

4. CONSTRUCTION STANDARDS

4.1	Compliance with Section Required	15
-----	----------------------------------	----

4.2	Land Not Suitable for Development	15
4.3	Lots and Density	15
4.4	Surface Drainage	15
4.5	Removal of Topsoil	15
4.6	Prevention of Erosion	15
4.7	Minimum Water Supply	15
4.8	Road Design and Construction	15

SECTION I: GENERAL PROVISIONS

- 1.1 Purpose: The purpose of this Ordinance is to assure the comfort, health, safety, and general welfare of the people of Georgetown, to protect the environment, to provide for the orderly development of a sound and stable community, and to provide uniform procedures for Town review of subdivisions.
- 1.2 Authority and Title: This Ordinance is adopted pursuant to and consistent with 30-A M.R.S.A. Subsection 4401 et seq. and shall be known as the Subdivision Ordinance for the Town of Georgetown.
- 1.3 Administration: The Georgetown Planning Board shall administer this Ordinance.
- 1.4 Applicability: The provisions of this Ordinance shall apply to all of the land area of all proposed subdivisions located, or partially located in the Town of Georgetown.
- 1.5 Definition: Subdivision means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.
 Note: Leased dwelling units are not exempt from the Georgetown Subdivision Ordinance.
- A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:
- (1) Both dividing's are accomplished by a subdivider who has retained one of the lots for the sub divider's own use as a single-family residence that has been the sub divider's principal residence for a period of at least 5 years immediately preceding the 2nd division; or
 - (2) The division of the tract or parcel is otherwise exempt under this Ordinance.
- B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this Ordinance, do not become subject to this Ordinance by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The Planning Board shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

C. A lot of 40 or more acres is not counted as a lot for purposes of this Ordinance, so long as the parcel being divided is located entirely outside of any shoreland area under state law or Town Ordinance.

D. A division accomplished by devise does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance.

E. A division accomplished by condemnation does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance.

F. A division accomplished by order of court does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance.

G. A division accomplished by gift to a person related to the donor of an interest in property held by the donor for a continuous period of 5 years prior to the division by gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance. If the real estate exempt under this paragraph is transferred within 5 years to another person not related to the donor of the exempt real estate as provided in this paragraph, then the previously exempt division creates a lot or lots for the purposes of this subsection. "Person related to the donor" means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage or adoption. A gift under this paragraph cannot be given for consideration that is more than 1/2 the assessed value of the real estate.

H. A division accomplished by a gift to a municipality if that municipality accepts the gift does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance.

I. A division accomplished by the transfer of any interest in land to the owners of land abutting that land does not create a lot or lots for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance. If the real estate exempt under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for the purposes of this Ordinance.

J. The grant of a bona fide security interest in an entire lot that has been exempted from the definition of subdivision under paragraphs D to I, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of this Ordinance.

K. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

L. In determining the number of dwelling units in a structure, the provisions of this

subsection regarding the determination of the number of lots apply, including exemptions from the definition of a subdivision of land.

- 1.6 Enforcement: No person, firm, corporation, or other legal entity may sell, lease, develop, build upon, or convey for consideration any land in a subdivision that has not been approved by the Planning Board and recorded in the Registry of Deeds; nor shall such person, firm, corporation, or other legal entity sell or convey any land in such approved subdivision unless a permanent marker is set at each lot corner of the lot sold or conveyed. The term "permanent marker" includes but is not limited to the following: a granite monument, a concrete monument, an iron pin or pipe, or a drill hole in ledge. No subdivision plat or plan shall be recorded by any Register of Deeds which has not been approved as required. Approval for the purpose of recording shall appear in writing on the plat or plan. No public utility, water district, sanitary district, or any utility company of any kind shall install services to any lot in a subdivision for which a plan has not been approved.

Any person, firm, corporation, or other legal entity who violates this section shall be punished by a fine of not more than \$1,000 for each such occurrence. The Municipal officers, or the Code Enforcement Officer with the approval of the Municipal officers, may institute proceeding to enjoin the violations of this section. If the court finds a violation of this ordinance, the Town shall recover its attorneys' fees.

- 1.7 Validity: The invalidity of any section or provision of this Ordinance shall not be held to invalidate any other section or provision of this Ordinance.
- 1.8 Conflict: In any case where a provision of this Ordinance is found to be in conflict with a provision of any federal or state law, or other Ordinance, regulation, or code of the Town of Georgetown, the authority that establishes the higher standard for the promotion and protection of health, safety, and the environment shall control.
- 1.9 Amendment: This Ordinance may be amended by a majority vote of the Town Meeting. A copy of all amendments shall be filed with the Town Clerk.
- 1.10 Effective Date: This Ordinance shall become effective on the date of adoption.

SECTION 2: REVIEW PROCEDURES

- 2.1 Introduction: No plan shall be approved by the Planning Board if the subdivider has been notified previously of a violation of a condition of approval of a previous subdivision, which violation has not been corrected as of the date of the pending application; or if the subdivider is currently in violation of this Section with respect to any other property.

To protect the interests of the Town, comply with the review requirements of 30-A M.R.S.A. Subsection 4401 et seq. and provide timely responses to subdivision applications, the following review sequence has been established:

1. Informal pre-application meeting and submission of sketch plan;
2. Planning Board inspection of the site;
3. Submission of formal application and subdivision plan;

4. Planning Board review of application and determination of completeness;
5. Public Hearing, if required;
6. Planning Board decision;
7. Final approval and filing;
8. Inspection of required improvements.

2.2 Pre-Application Conference

- 2.2.1. Before submitting a subdivision application for approval, the subdivider or his agent shall appear before the Planning Board to discuss the proposed subdivision. A sketch plan shall be presented for informal review, and arrangements made for an inspection of the site with the Planning Board within a 30-day period from the date of the pre-application conference.
- 2.2.2. The sketch plan shall include a rough outline of the proposed subdivision showing the proposed layout of streets, lots, and other features which may be of assistance to the Board in understanding the proposal.
- 2.2.3. No binding commitments shall be made between the subdivider and the Board at this stage. The purpose of the pre-application meeting shall be to understand what is proposed, what is possible, and what is acceptable.

2.3 Site Inspection: The Chairman of the Planning Board will appoint one or more individuals to inspect the site, preferably accompanied by the subdivider. The purpose of this inspection is to more fully inform the Board of the characteristics of the site, and a subdivision application will not be accepted until the inspection has taken place. Notice of the date, time, and place of such inspection shall be given to the subdivider, posted in three conspicuous public locations, filed with the Town Clerk, and published in a newspaper of general circulation in the Town at least seven days prior to the inspection.

2.4 Application Submission

- 2.4.1 The Planning Board shall provide the subdivider with an application form at the pre-application conference. The subdivider shall, within six months of the site inspection, submit an application to the Board. Failure to do so shall result in a restart of the application process.
- 2.4.2 Applications for subdivision permits shall be submitted at least seven days in advance of a regularly scheduled meeting of the Planning Board to the Chairman, who shall issue to the applicant a dated receipt.
- 2.4.3 The application shall consist of the items outlined in Section 3. Specific application requirements will vary according to the size and complexity of the subdivision proposal. The Planning Board may, at its discretion, modify the requirements if such action will not unreasonably restrict the Board's review of the application as it relates to 30-A M.R.S.A. Subsection 4404 and local ordinances.
- 2.4.4 Any survey or plan submitted must be signed and sealed by a professional land surveyor.

2.4.5 The subdivider and all other parties shall submit six copies of all documents, maps, and other written or printed materials.

2.5 Fees

2.5.1 Application Fee: Every application for a subdivision permit shall be accompanied by an application fee of \$100.00 per lot for each lot appearing in the subdivision which is proposed for approval, to be paid by check made payable to the Town of Georgetown.

2.5.2 Performance Bond

2.5.2.1 The Planning Board may require, as a condition of approval, that the subdivider file with the Board at the time of approval and prior to any construction, 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 Georgetown or a performance bond running to the Town and issued by a surety company acceptable to the Town. The conditions and amount of such certified check or performance bond shall be determined by the Planning Board with the advice of the Selectmen. The amount shall be sufficient to insure the furnishing, installing, connecting, and completing all of the street grading, paving, storm drainage, and utilities or other improvements specified on the Final Plan within two years of the date of the certified check or performance bond.

2.5.2.2 The Planning Board may recommend a maximum extension of twelve months to the guaranteed performance period when the subdivider can demonstrate, to the satisfaction of the Board and the Selectmen, good cause for such extension. Such recommendation shall be referred to the Selectmen for official action.

2.5.2.3 Before a subdivider may be released from any obligation requiring his guarantee of performance, the Planning Board shall require certification from appropriate Town officials and consultants, if any, to the effect that all improvements have been satisfactorily completed in accordance with all applicable local, state, and federal standards, codes, and laws.

2.5.2.4 The Board may, at its discretion, waive the requirements of a guarantee, security, or performance bond and recommend a properly executed conditional agreement with the Town. Such agreement, if executed with the Town, shall be endorsed in writing and shall provide that no lot in such subdivision may be sold and no permit shall be issued for construction of any building on any lot on any street in such subdivision until all improvements agreed upon have been made.

2.6 Application Review

2.6.1 When an application is received, the Planning Board shall give the applicant a dated receipt. It shall also notify the following by mail: all abutting property owners; any municipality abutting the subdivision; and any public drinking water supplier if the subdivision is within its source water protection area. The notification shall include the location of the proposed subdivision and a general description of the project.

- 2.6.2 The Planning Board shall review the subdivision application and plan to determine if it provides sufficient information for a final Board decision on the subdivision application.
- 2.6.3 The Board shall notify the subdivider in writing within thirty days of receipt of the application either that the application is complete or, if the application is incomplete, the specific additional informational materials needed to make a complete application.
- 2.6.4 After the Planning Board has determined that the complete application has been filed, it shall notify by certified mail the subdivider and all abutting property owners, and in writing the Town Clerk, Selectmen, Road Commissioner, Code Enforcement Officer, and all others. The Board shall also publish, at least two times, a notice in a newspaper of general circulation in Georgetown, and shall post notice in three conspicuous public locations. Said written notice shall briefly describe the proposed subdivision, state where the application may be inspected, and give notice that requests for a public hearing must be filed in writing to the Chairman of the Planning Board within ten days from the date of notice.
- 2.7 Review Criteria: The Board, in making its determination of completeness of the application, shall be guided by the review criteria list of 30-A M.S.R.A. subsection 4404. The Board will request that the subdivider provide sufficient information to make findings of fact that the proposed subdivision:
- 2.7.1 Will not result in undue water or air pollution. In making this determination the Board shall consider: The elevation of land above sea level and its relation to the floodplains, 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.
- 2.7.2 Has sufficient water available for the reasonably foreseeable needs of the subdivision;
- 2.7.3 Will not cause an unreasonable burden on an existing municipal water supply, if one is to be utilized;
- 2.7.4 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;
- 2.7.5 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, including in an adjoining municipality if the proposed subdivision crosses municipal boundaries;
- 2.7.6 Entrances, either proposed driveways, or streets, onto existing state-aid or state highways must be approved by the Maine Department of Transportation. Copies of such approvals shall be submitted to the Board at the time of final review;
- 2.7.7 Will provide for adequate sewage waste disposal;
- 2.7.8 Will not cause an unreasonable burden on the Town's ability to dispose of solid waste and sewage if Town services are to be utilized;

- 2.7.9 Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Town, rare and irreplaceable natural areas, or any public rights for physical or visual access to the shoreline;
- 2.7.10 Is in conformance with this Ordinance and the Town's comprehensive plan;
- 2.7.11 Whenever situated in whole or in part within the watershed of any pond or lake, or within 250 feet of any wetland, great 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. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore. The frontage and setback provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 38, chapter 3, subchapter I, article 2-B, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983;
- 2.7.12 Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;
- 2.7.13 Provides for adequate storm water management;
- 2.7.14 Any lots in the proposed subdivision having frontage within 100 feet, horizontal distance, of a river, stream, brook, great pond, or coastal wetland, will not have a lot depth to shore frontage ratio greater than 5 to 1;
- 2.7.15 The long-term, cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision; and
- 2.7.16 That the parcel being subdivided has not been subject to a liquidation timber harvest;
- 2.7.17 That the subdivider has adequate financial and technical capability to meet the above stated standards; and
- 2.7.18 In all instances, the burden of proof, persuasion, and production of documents and data shall be upon the subdivider.
- 2.8 Public Hearing: The Planning Board may hold a public hearing on the proposed subdivision. All public hearings shall be held within thirty days of having determined that a subdivision application is complete. Notice of the date, time, and place of such hearing shall be given to the subdivider, posted in three conspicuous public locations, filed with the Town Clerk, and published in a newspaper of general circulation in the Town at least

seven days prior to the hearing.

2.9 Planning Board Decision

2.9.1 The Planning Board shall, within thirty days of the public hearing, if one is held, or within sixty days of having determined that an application is complete, issue in writing its approval, conditional approval, or denial.

2.9.2 The Board may attach such conditions as it deems advisable to satisfy the criteria of this Ordinance.

2.9.3 If the Planning Board determines that a fair and adequate review of an application will require longer than sixty days, the review time limit may be formally extended for some specified time, if agreed to in writing by both the subdivider and the Planning Board.

2.9.4 The Planning Board shall make written findings of fact establishing that the proposed subdivision does or does not meet the provisions of this Ordinance and the criteria of 30-A M.R.S.A. Subsection 4404.

2.10 Appeals: An appeal may be taken, within thirty days from the Planning Board's decision on the subdivision application, by any party or person aggrieved, to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

2.11 Final Approval and Filing

2.11.1 Upon completion of the requirements of this Ordinance, and an approved vote by the majority of the Planning Board members, and notation to that effect upon the Subdivision Plan, it shall be deemed to have final approval and shall be properly signed by a majority of the members of the Planning Board and shall be filed by the subdivider with the Town Clerk. The original transparency shall be filed by the subdivider with the Sagadahoc County Register of Deeds within ninety days of approval by the Planning Board.

2.11.2 No changes, erasures, modifications, or revisions shall be made in any Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the Plan is first resubmitted and the Planning Board approves any modifications.

2.11.3 In the event that a Subdivision Plan is not recorded within ninety days after approval and endorsement, or if a Plan is changed prior to recording without Planning Board approval, the Plan shall be considered null and void, and the Board shall institute proceeding to have the Plan stricken from the records of the Town Clerk and the Register of Deeds.

2.12 Inspection of Required Improvements

2.12.1 At least ten days prior to commencing construction of required improvements, the subdivider shall notify the First Selectman and the Planning Board Chairman in writing of the time when construction will commence, in order to facilitate inspection by the Town.

2.12.2 If the Town shall find, upon inspection of the improvements performed, that any of the

required improvements have not been constructed in conformance with the Subdivision Plan, the Selectmen shall notify the subdivider and take all necessary steps to preserve the Town's rights.

- 2.12.3 Upon completion of all improvements to the satisfaction of the Town, the Planning Board shall certify in writing that the subdivider has complied with all the terms of the subdivision approval and he shall be released from any obligation requiring his guarantee of performance.

SECTION 3: APPLICATION REQUIREMENTS

Specific application requirements will vary according to the size and complexity of the subdivision proposal. The Planning Board may, at its discretion, modify the requirements if such action will not unreasonably restrict the Board's review of the application as it relates to 30-A M.R.S.A. subsection 4404 and local ordinances. The application shall consist of the following:

- 3.1 Application Form: The subdivider shall submit on an application form provided by the Planning Board general information on the applicant and the proposed subdivision.
- 3.2 Location Map: A location map drawn at a scale of not over 500 feet to the inch shall show the relationship of the proposed subdivision to the adjacent properties and to the general surrounding area and shall show at least all the area within 1,000 feet of any property line of the proposed subdivision. Within such area the location map shall show:
 - 3.2.1 The name, registration number, signature and seal of the land surveyor, architect, engineer, or planning consultant who prepared the maps and other documents.
 - 3.2.2 The date, magnetic north point, and graphic scale.
 - 3.2.3 All existing and proposed approximate property lines together with the names and mailing addresses of the owners of record of all adjacent parcels of land.
 - 3.2.4 The locations, widths, and names of existing, filed, or proposed streets, easements, and rights-of-way.
 - 3.2.5 The boundaries and designations of shoreland zoning districts and parks or other public lands.
 - 3.2.6 The location and property lines of all land to which the applicant has any title, right, or interest in addition to the proposed subdivision and an indication of the future probable street system of the sub divider's entire holding, and gravel pits and other existing excavations and the sites of any future sources of gravel or fill.
 - 3.2.7 The location of major surface water bodies, wetlands, rivers, streams, brooks, natural drainage ways, and culverts, with arrows indicating direction of flow, wooded and open space areas, farmland and all existing buildings, utility lines, fire ponds, and dry hydrants.

- 3.3 Subdivision Plan: A Subdivision Plan shall be submitted in maps, drawings, overlays, or other documents with all dimensions shown in feet or decimals of a foot, drawn to a scale of one inch equals not more than one hundred feet, showing or accompanied by the following information:
- 3.3.1 Proposed subdivision name or identifying title and the name of the Town.
 - 3.3.2 Name and address of record owner of the subdivision and the subdivider, if different.
 - 3.3.3 Name, registration number, signature and seal of the land surveyor who prepared the plan and of the architect, engineer, or planning consultant who prepared other drawings or documents.
 - 3.3.4 Number of acres within the proposed subdivision, date, magnetic north point, and plan scale.
 - 3.3.5 A contour map of the subdivision drawn with contour lines at intervals of either five, ten, or twenty feet based on the United States Geological Survey datum or other data of existing grades.
 - 3.3.6 The proposed lot lines with approximate dimensions and locations of existing and proposed buildings.
 - 3.3.7 The location of temporary markers adequate to enable the Board to locate readily and evaluate the basic layout in the field.
 - 3.3.8 All parcels of land proposed to be dedicated to public use or to be commonly owned by the purchasers of land in the subdivision.
 - 3.3.9 The names of the owners of record of all land immediately adjacent to the subdivision.
 - 3.3.10 The location of existing natural features including ponds, streams, rivers, brooks, wetlands, natural drainage ways, wooded and open space areas, farmland, major areas of ledge, gravel pits, other existing excavations, and the sites of any future sources of gravel or fill within the subdivision.
 - 3.3.11 The location of sensitive areas including identified gravel and bedrock aquifers and recharge areas; the watershed boundaries of potable water supplies; the one hundred year flood elevation and flood hazard boundaries if the subdivision is in a flood prone area, as identified by the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; slopes greater than fifteen percent; highly erodible soils; soils prohibiting subsurface wastewater disposal systems as defined by the State Plumbing Code; fragile or irreplaceable natural areas; historic and archeological sites; cemeteries; and areas of scenic or natural beauty.
 - 3.3.12 The location of at least one acceptable soil test on each lot and a soils report identifying the soils according to the State Plumbing Code, prepared and signed by a licensed site evaluator.

- 3.3.13 The location, names, and widths of existing and proposed streets, highways, easements, and rights-of-way, including grades and street profiles of all streets or other public ways proposed by the subdivider.
- 3.3.14 The location and size of any existing dry hydrants, fire ponds, culverts, and drains on the property to be subdivided.
- 3.3.15 The location of all proposed on-site sewage disposal systems and/or proposed sewer lines and their profile.
- 3.3.16 The location of all proposed water lines, wells, reservoirs, or other facilities.
- 3.3.17 Provisions for collecting and treating storm drainage, in the form of a Drainage Plan which includes all proposed facilities, such as culverts, catch basins, and detention, retention, or infiltration basins.
- 3.3.18 A soil Erosion and Sedimentation Control Plan for construction and for permanent control. The plan may be incorporated into the Drainage Plan.
- 3.3.19 An indication of the sections of the subdivision and the dates of their phased construction, if the subdivision is to be constructed over a period of more than two years.

3.4 Documents

- 3.4.1 All public water supply facilities shall be shown to meet the minimum specifications of all pertinent State laws and regulations and all Town ordinances. The subdivider shall provide evidence as to the expected flow rate for these facilities which will satisfy the reasonable foreseeable needs of the proposed subdivision and, in addition, the location of all water available for fire fighting shall be shown including existing and proposed fire ponds and/or dry hydrants.
- 3.4.2 Evidence that the subdivider has adequate financial and technical capacity to meet the requirements of 30-A M.R.S.A. Subsection 4401 and the Town of Georgetown's ordinances and Comprehensive Plan. The subdivider shall also provide evidence of financial and technical capability for the adequate operation and maintenance of all private multiple-system waste disposal systems, storm drainage facilities, water systems, and other facilities.
- 3.5 Requests for Additional Information: Prior to its final decision the Planning Board may request evidence and documentation in addition to that required in the application as provided for in paragraphs 3.1 through 3.4. This additional information may include:
 - 3.5.1 Impact on Community Services: The Planning Board may request information regarding the subdivision's effect upon existing services and facilities; a list of construction items that will be completed by the subdivider prior to the sale of lots; and the list of construction and maintenance items that may be borne by the Town, which shall include, but not be limited to, schools, including busing; road maintenance and snow removal; police and fire protection; solid waste disposal; and recreation facilities. The Board may further request the subdivider to provide cost estimates to the Town for these services

and the expected tax revenue of the subdivision.

- 3.5.2 High Intensity Soils Survey: The Planning Board may request that the subdivider submit detailed soils information in the form of a soils report and high intensity soils survey prepared and signed by a certified soil scientist, identifying the soils names and soils boundaries in the proposed development.
- 3.5.3 Impact on Sensitive Natural and Cultural Resources: The Planning Board may request, as a condition of approval and prior to its decision, that the subdivider submit an assessment of the expected impacts of the subdivision on sensitive natural and cultural resources, which shall include, but not be limited to, surface water bodies, identified gravel and bedrock groundwater aquifers and recharge areas, one-hundred-year floodplain as identified by the H.U.D. Flood Insurance Program, slopes greater than fifteen percent, highly erodible soils, soils prohibiting disposal systems as identified by the State Plumbing Code, fragile or irreplaceable natural areas, historic and archeological sites, cemeteries, and visual character and areas of scenic or natural beauty.
- 3.5.4 Recreation Area: Depending on the size and location of the subdivision, the Planning Board may request, as a condition of approval and prior to its decision, that the subdivider propose a plan for the provision of land area for recreational use. Land reserved for park and/or recreational purposes shall be of a character, configuration, location and access suitable for the particular use intended.
- 3.5.5 Buffer Area: The Planning Board may request, as a condition of approval and prior to its decision, that the subdivider provide buffer areas when a proposed subdivision is located adjacent to a use where separation is desirable.
- 3.5.6 Landscaping: The Planning Board may request, as a condition of approval and prior to its decision, that the proposed subdivision design include: a landscape plan that will show graded contours and streams; the reasonable preservation of vegetation; the replacement of trees and vegetation; the planting of buffer areas; and the preservation of scenic, historic, or environmentally desirable areas. Provisions for adapting the street and lot layout to the topography and avoiding extensive grading and filling as far as possible may also be requested.
- 3.5.7 Covenants, Deeds, Leases, etc.: The Planning Board may request, as a condition of approval and prior to its decision, that the subdivider submit for review and approval copies of all proposed deeds; leases; restrictive covenants; easements; landowner association agreements and corporate papers; contracts; deeds to commonly held land; deeds and covenants to land to be held by the subdivider; deeds offering to convey land to the Town of Georgetown or its agencies, the State of Maine or its agencies and departments, Sagadahoc County, or any other public body, or to any private organization or corporation; and any other documents, existing or proposed, which may determine or affect the land and the uses of the land in the subdivision.
 - 3.5.7.1 Where access is provided by right-of-way over roads on land not held as part of the subdivision, such right-of-way shall be recorded at the Sagadahoc County Registry of Deeds.

- 3.6 Submission of Evidence for Approval: The Planning Board may require the subdivider to submit on, or accompanying, the plan the following evidence, data, and documents as a condition of approval and prior to the signing of the approved plan:
 - 3.6.1 Sufficient acceptable data to determine readily the location, bearing, and length of every lot line and boundary line and to reproduce such lines upon the ground. Where practical, these should be tied to reference points previously established.
 - 3.6.2 The location, bearing, and length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances, and tangent bearings for each street.
 - 3.6.3 The proper designation of all public open space for which offers of conveyance are made by the subdivider and those spaces to which title is reserved by him.
 - 3.6.4 Written offers of conveyance to the Town of Georgetown of all public open space shown on the Plan, and copies of agreements or other documents listed in paragraph 3.6.3 above.
 - 3.6.5 Written evidence that the Selectmen are satisfied with the legal sufficiency of the documents referred to in Paragraph 3.6.4 above regarding the land to be offered for conveyance to the Town. Such written evidence shall not constitute an acceptance by the Town of any public open space referred to in Paragraph 4 above.
 - 3.6.6 A plan of the approved subdivision including all the information required by Section 3.3 of this Ordinance and in addition suitable space to record on the approved plan the date and conditions of approval if any. Said space shall be similar to the following example:

Approved by Town of Georgetown Planning Board

_____, Chairman

Signed _____

Date _____

Conditions _____

SECTION 4: CONSTRUCTION STANDARDS

- 4.1 Compliance with Section Required: In reviewing application for the subdivision of land, the Board shall consider the general requirements set forth in this Section. In all instances, the burden of proof shall be upon the person proposing the subdivision.
- 4.2 Land Not Suitable for Development: The Planning Board shall not approve building lots located totally on land below sea level, on land which must be filled or drained, on land created by diverting a watercourse, or on filled tidal land or filled or drained Great Ponds.
- 4.3 Lots and Density: The lot size, width, depth, shape, and orientation and the minimum setback lines shall comply with the Town's Building Permit Ordinance, Shoreland Zoning Ordinance and Minimum Lot Size Ordinance.
- 4.4 Surface Drainage: Where the Planning Board feels that surface water drainage to be created by the subdivision should be controlled for the protection of the subdivision and owners of property abutting it, there shall be provided a storm water easement or drainage right-of-way and culverts, catch basins, or other means of channeling surface water within such subdivision and over the property of owners abutting upon it, of such nature, width, and location as the Board or its technical advisors deem adequate. Such easements or rights-of-way shall make use of any existing natural water course, drainage way, channel, or stream when practical.
- 4.5 Removal of Topsoil: Topsoil shall be considered part of the subdivision. Except for surplus topsoil from roads, parking areas, and building excavations, it is not to be removed from the site.
- 4.6 Prevention of Erosion
 - 4.6.1 Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Planning Board may require a subdivider to take measures to correct and prevent soil erosion in the proposed subdivision.
 - 4.6.2 To prevent soil erosion of shoreline areas, tree cutting in the Shoreland Zone shall be in accordance with the rules and regulations specified in the Shoreland Zoning Ordinance, Section 15.M and 15.N.
- 4.7 Minimum Water Supply
 - 4.7.1 The subdivider shall guarantee to the buyer that sufficient potable water resources exist to meet the needs of the individual lots.
 - 4.7.2 The subdivider shall demonstrate that water of sufficient quality and quantity exists to meet the reasonable foreseeable needs of the subdivision.
- 4.8 Road Design and Construction

4.8.1 General Criteria

- 4.8.1.1 Before a road will be considered for acceptance as a town way it must first be completed to the standards of this Ordinance with inspection and approval to be made by the Planning Board.
- 4.8.1.2 All roads in the subdivision shall be so designed that, in the opinion of the Board, they will provide safe vehicular travel.
- 4.8.1.3 If deemed necessary by the Planning Board, the subdivision may be required to provide at least two road connections with existing roads or roads on an approved Subdivision Plan for which a bond has been filed.
- 4.8.1.4 Where private and public roads serve a subdivision, the formation of a neighborhood association is required in order to guarantee and administer road maintenance. The property owners' obligation for road maintenance cost shall be included as a covenant in their deed.
- 4.8.1.5 Any road, driveway or structure must be set back 25 feet from any cemetery.
- 4.8.1.6 A stop sign shall be posted at the intersection of any subdivision road and a public road to require a vehicle exiting the subdivision to come to a full stop prior to entering the public road.
- 4.8.1.7 All subdivision mail boxes must be set back a minimum of 50 feet from the centerline of the intersection of a subdivision road and a public road.

4.8.2 Construction Standards

All roads within the subdivision shall be constructed according to specifications 4.8.2.1 through 4.8.2.4 as overseen by the Road Commissioner and the Planning Board. Paragraph 4.8.2.5 distinguishes between standards for minor roads serving four dwellings or less and major roads serving more than four dwellings.

- 4.8.2.1 Preparation: Before grading is started, the right-of-way shall be cleared of all stumps, roots, brush, and other objectionable material and all trees not intended for preservation.
- 4.8.2.2 Cuts: Tree stumps, roots, and other organic materials within the roadbed shall be removed to a depth of two feet below the subgrade. Rocks and boulders, when encountered, shall be removed to subgrade.
- 4.8.2.3 Materials: The base of the road shall consist of at least eight inches of aggregate subbase. The top shall consist of a minimum of five inches of aggregate surface course.
- 4.8.2.4 A crown is required on all paved roads.
- 4.8.2.5 Dimensions of road construction:

ITEM	STANDARD	
	Minor	Major
Right-of-way	50 feet	50 feet
Maximum grade	15%	15%
Roadbed width	12 feet	16 feet
Shoulder width	--	2 feet
Cleared width	28 feet	28 feet
Minimum curve radius to road centerline	100 feet	100 feet
Minimum angle of road intersection	60 degrees	60 degrees
Maximum grade within 50' of intersection	3 %	3 %
Drainage (1) roadbed to ditch	3:1 slope	3:1 slope
(2) ditch to level grade	2:1 slope	2:1 slope
(3) minimum culvert size	15 inches	15 inches
Cul-de-sac radius at dead ends	40 feet	40 feet

ORDINANCE GOVERNING THE OPERATIONS OF THE TOWN-OWNED PROPERTY MANAGEMENT BOARD

for the Town of Georgetown, Maine

Approved June 12, 1993	Amended June 13, 1998	Amended June 13, 2009
Amended June 10, 1995	Amended June 12, 1999	Amended June 12, 2010
Amended June 15, 1996	Amended June 14, 2008	Amended June 18, 2016
Amended June 16, 2018		

The Town-Owned Property Management Board shall have the following organization, scope of authority, duties, and limitations:

A. ORGANIZATION

1. The Town-Owned Property Management Board shall consist of three elected members, residents of Georgetown, each to serve three-year terms.
 - a. No more than one member shall be elected in a given year and one member shall be elected each year, except that in the event of a vacancy occurring during the year because of a resignation, death, or other cause, the Board of Selectmen shall appoint an interim member to serve until the next regular Town Meeting, at which time a new member shall be elected to fill the vacancy for the balance of the unexpired term.
 - b. No member of the Board shall be a "town tenant". For purposes of this limitation, "tenants" shall be defined as officers, stockholders, or equity participants and their spouses of any individual, partnership, or corporation which leases any town properties for a substantial amount of money. As of 1992, the three buildings located on the Town Wharf comprised the only substantial lease.
 - c. Elections for the Board will be held at the Annual Town Meeting.
2. Members of the Board shall elect a Chairman and Secretary annually.
3. The Board shall meet monthly at dates and times established by the Board. Advance notice of each meeting will be publicly posted. All meetings shall be open to the public.
4. The Secretary of the Board shall keep minutes of each meeting which shall include attendance and an accurate summary of all matters discussed, voted upon, or otherwise considered by the Board. Copies of these minutes shall be posted for the public and delivered to the Board of Selectmen.
5. All action by the Board shall be by majority vote.

B. SCOPE OF AUTHORITY

1. The Town-Owned Property Management Board shall exercise its authority over the following real property owned by the Town of Georgetown:

Wales Lot (adjacent to Richards Library)	U4 lot 24
Richards Library	U4 lot 25

Five Islands Waterfront
Stone School House

U13 lots 33 and 56
R6 lot 14

The Board shall also manage the following property:

Todd's Landing, also known as the Shipyard (leased from the Todd family)
U4 lot 4

2. The Board shall have authority to negotiate leases, set rents, and act with all the authority of a landlord with respect to the above-listed Town-owned property, and to sign all documents necessary to exercise such authority in the name of the Town of Georgetown. In selecting tenants, the Board shall give consideration to the character and background of the applicant as well as the amount of rent any such applicant agrees to pay.
3. The Board shall have the authority to issue permits for public and private functions and other organized activities on Town-owned properties under its jurisdiction.
4. The Board shall recommend the sale, development, or other disposal of any Town-owned property under its jurisdiction to Town Meeting whenever it deems that such sale, development, or disposition is in the Town's best interest; and shall have no authority to sell, develop, or dispose of such property absent Town Meeting approval.

C. DUTIES. The Board shall:

1. Secure the fair rental value of any Town-owned property which it leases for commercial purposes.
2. Assist the Town Treasurer in maintaining a single consolidated income and expense record for all Town-owned property under its control.
3. Submit to each Regular Town Meeting a proposed budget for the following year's property operations.
4. Keep maps and other boundary records in its permanent files available for public inspection for all properties under its jurisdiction.
5. Determine the boundaries and keep records thereof as described in subparagraph 5 for all subsequently acquired property which comes under its jurisdiction.
6. Turn over to the Town Treasurer all income as it is received.
7. Resolve claims of incursion on private property and right-of-way disputes involving property under its jurisdiction using services of Town Counsel.
8. See that the Town complies with the terms of the Submerged Land Lease from the State of Maine Department of Conservation.
9. Maintain in good repair the Town Wharf and Town-owned floats at Five Islands harbor and ensure repair and maintenance of all properties under its jurisdiction to protect the assets of the Town.

D. LIMITATIONS

1. The Board shall have no power to execute lease agreements which bind the Town for more than five years.
2. No agreements, promises, contracts, or leases with respect to any parcel of real property shall be binding on the Town or any other party unless such agreements, promises, contracts, or leases are made after two continuous weeks of public notice, posted at the usual places for public notices in the Town, that the Board is considering action with respect to that parcel. Such notice shall indicate the parcel involved, the nature of the agreement or lease sought by the Board, and the use of the parcel which has been approved by Town Meeting.

E. TOWN WHARF REGULATIONS:

E I. GENERAL

1. Free public access to the unrented or public use portion of the Town Wharf shall be assured, subject to the following limitation and exceptions: Use of the Town Wharf by commercial fishermen for any purpose other than to sell to the tenants of the wharf shall be restricted to fishermen who are residents of the Town of Georgetown who have paid the commercial user fee described in Section F.1 below except under such special circumstances as may from time to time be determined by the Board on a case by case basis.
2. The three structures on the Town Wharf (the Love Nest/Snack Bar, the Ice Cream/Bait Building, and the Lobster Pound) shall be leased for use as a wholesale and retail seafood business.
3. A determination shall be made regarding the maximum vehicle tonnage the wharf deck can safely sustain. A sign shall be erected at the wharf indicating what this tonnage is. A fine of \$500 shall be imposed on those placing vehicles weighing in excess of the maximum allowed tonnage on the wharf deck.
4. No unattended vehicles, including cars, ATV's or motorcycles, shall be permitted on the Wharf or at the entrance to the wharf. A vehicle may be parked while loading or unloading only and only while the operator is present. Vehicles parked in violation of this ordinance shall be towed at the owner's expense.
5. Town tenants shall not interfere with the public's right-of-way.
6. Town tenants shall be assured of freedom from interference by the public with their use of any leased area.
7. A hoist shall be maintained at the east end of the wharf for Georgetown residents who have paid the appropriate user fee specified in Section F1 below or with the written permission of the TOPMB upon payment of a \$50 per use fee.
8. Anyone whose boat damages the wharf shall be liable for the cost of repairs.

E. II. USE OF COMMERCIAL AND RECREATIONAL FLOATS

1. There shall be no overnight tie-ups on the east face of the wharf or floats.
2. Commercial users shall have priority at the east face of the wharf.
3. There shall be no recreational tie-ups at the commercial floats and no commercial tie-ups at the recreational floats.
4. Tie-ups on the east face of the recreational floats shall be for no more than two hours. No boats shall be left unattended on the east face of the recreational floats in the yellow load/unload zone.
5. The recreational float and run shall be removed from service each winter from 15 October to 15 April.

E. III. SANITATION AND CLEANLINESS

1. No traps, fishing gear, trash or personal property may remain on the Wharf for more than 72 hours without written permission from the TOPMB.
2. No traps or gear may remain unattended on the floats at any time, except for equipment in use by the commercial leaseholder.
3. No bait is to be left unattended on the wharf. Individuals loading bait from the wharf are responsible for clean-up.
4. The Wharf tenant shall be responsible for appropriate disposal of waste derived from the business and for maintaining cleanliness in leased areas.

F. FEES FOR USE OF THE TOWN WHARF

1. Except as provided below, all full-time water-borne commercial users of the wharf shall pay to the Town a user fee of \$250 per fiscal year.
 - a. The user fee for individuals under the age of 18 shall be \$50 per year.
 - b. Commercial fishermen over the age of 65 shall be exempt from paying the user fee.
 - c. Individuals whose only water-borne commercial use of the wharf is to buy from or sell to the tenants of the wharf shall be exempt from paying the user fee.
 - d. Water-borne commercial use of the wharf by individuals who do not pay the user fee shall constitute trespass.
2. Commercial user fees shall be due and payable on 1 September of each year. A late fee of \$100 shall be charged on any user fee unpaid on October 1 and an additional \$50 late fee shall be charged the first of every month thereafter that the fee remains unpaid. Failure to pay all fees and late penalties due by 1 April shall result in the loss of Wharf privileges and upon written notification by the TOPMB, the Harbor Master shall be authorized to issue notice of criminal trespass. When all fees, penalties, and applicable court costs, if any, have been paid in full, an individual may apply to the TOPMB for reinstatement of wharf privileges.

3. *Commercial* users who tie up skiffs on the north float shall pay an additional \$125 per year per skiff. Commercial skiffs shall be limited to 14 feet in length and the number of tie-ups shall be determined by the Board.
4. Seasonal skiff tie-ups on the south float shall be for residents of the Town and shall be by permission of the Board at a cost of \$125 per season per skiff. Recreational skiff tie-up fees shall be due and payable by 1 June of each year. Recreational users will receive stickers to display in a prominent place on their skiffs on payment of the tie-up fee. After 1 June of each year, skiffs not displaying the required sticker shall be subject to removal at the owner's expense. Recreational skiffs shall be limited to 14 feet in length and the number of tie-ups shall be determined by the Board.

G. TODD'S LANDING REGULATIONS AND FEES

1. Use of this facility shall be restricted to residents of Georgetown. Georgetown residents shall display their Georgetown Transfer Station stickers on their vehicles.
2. No vehicle shall be parked so as to block access to the ramp.
3. Vehicles will not be parked within ten feet of the pavement on either side of the Five Islands Road from the eastern Robinhood Cove bridge westward to the first building north of the highway. Any vehicle parked within ten feet of the road shall be towed at the owner's expense.
4. No vehicle shall be parked overnight at Todd's Landing.
5. Residents of the Town may leave skiffs for personal use in the area provided to the east of the ramp above the high tide line upon payment to the Town of a fee. For commercial users, the fee shall be \$100 per year per skiff due and payable on 1 September. For all others the fee shall be \$125 per season per skiff payable 1 June. On payment of the fee, users will receive stickers to display in a prominent place on their skiffs. After the due date for payment each year, skiffs not displaying the required sticker shall be subject to removal at the owner's expense. Failure to pay commercial skiff fees shall be subject to the same late penalties specified in Section F above. Skiffs shall be limited to 14 feet in length. The number of skiff permits shall be determined by the Board.

H. PENALTIES AND ENFORCEMENT

It shall be the duty of the Harbormaster to enforce the regulations in Sections E and G 5 of this ordinance as requested by the TOPMB in accordance with the provisions in Section F2. A copy of each warning issued by the Harbor Master shall be delivered by email or voice mail to the TOPMB at the Town Office within 24 hours of being served.

I. First Warning

If an individual is found in violation of the regulations specified in Sections E, F, or G, the Harbormaster shall issue a written warning to the violator specifying:

- a) the nature of the violation
- b) the corrective action that must be taken within 24 hours
- c) the time and date before which compliance must occur
- d) time and date of delivery of the warning

II. Second Warning

If the corrective action has not been completed within 24 hours of the first warning, the Harbor Master shall issue a second written warning specifying:

- a) the nature of the violation
- b) the corrective action that must be taken within 24 hours
- c) the time and date before which compliance must occur
- d) the statement that it is the final warning before imposition of penalties
- e) time and date of delivery of the warning

III. Citations, Fines, and loss of Wharf privileges

- 1) If the corrective action is not completed by the deadline specified in a second warning the Harbor Master shall issue a citation imposing a fine in the amount of \$100. If the violation is not corrected within 24 hours of the first citation, the Harbor Master shall issue a second citation imposing an additional fine of \$250.
- 2) If an individual remains in violation of the ordinance more than 24 hours after a second citation has been issued, or if an individual has received three citations for violation of this ordinance within the past 12 month period the individual will lose all privileges at the Wharf or at Todd's Landing without refund of user or tie-up fees.

If the individual continues to use the Wharf or Todd's Landing after receiving notice of the loss of privileges, the Harbor Master shall issue a notice of criminal trespass which may be rescinded upon application to the TOPMB after all corrective action has been completed and all fees, fines, and costs recoverable under Maine law have been paid.

I. APPEAL PROCESS

A person may appeal any fines or fees assessed to her / him or orders of the Harbor Master made pursuant to this Ordinance to the Town of Georgetown Board of Appeals. The aggrieved person must make a written appeal within thirty (30) days of the date of the decision being appealed, and the Board of Appeals shall hold a public hearing within thirty five (35) days from the date of receipt of the appeal. A party aggrieved by the decision of the Board of Appeals may appeal to Superior Court within thirty (30) days from the date of the Board of Appeals decision pursuant to Maine Rules of Civil Procedure, Rule 80B.

J. DEFINITIONS

1. Commercial user: a user holding a commercial fishing license or a tour-boat or charter boat operator using the wharf to pick up or discharge passengers.
2. Resident: a person owning or renting real residential property in Georgetown who uses that property as a year-round or seasonal home.

K. EFFECTIVE DATE

The amendments to this ordinance shall become effective following approval at the regular Town Meeting. The ordinance was adopted at the regular Town Meeting on June 12, 1993 and replaced the Charter, Instructions, and Ordinance previously approved as Article 3 at a Special Town Meeting held on October 23, 1974.

WATERWAYS AND HARBORS ORDINANCE

for the Town of Georgetown, Maine

Approved April 20, 1983	Amended June 13, 1998	Amended June 14, 2008
Amended January 23, 1985	Amended June 16, 2001	Amended June 12, 2010
Amended June 12, 1993	Amended June 14, 2003	Amended June 18, 2011
Amended June 10, 1995	Amended June 18, 2005	Amended June 16, 2012
Amended June 16, 2018		

I Purpose: The purpose of this ordinance is to protect the marine environment and provide for the just and orderly operation of marine activities on Georgetown waterways. It is intended to promote safety, enjoyment, convenience, effective use, and control of mooring areas and public facilities pertinent thereto.

II Definitions

- A "Abandoned mooring" shall be defined as a mooring that is not properly registered with the Town of Georgetown or a mooring that remains unused for one year. The Harbormaster may consider extenuating circumstances.
- B An "abandoned vessel" shall be defined as any vessel that is inoperative and neglected, submerged, or partially submerged, or that has been left by the owner in coastal waters without apparent intention of removal.
- C "Anchoring" shall be defined as a temporary restraint of a vessel by ground tackle brought aboard when underway.
- D A "channel" shall be defined as a clear area for navigation of a width and location to be determined by the Harbormaster.
- E A "commercial vessel" is any vessel from which the owner obtains a substantial portion of his earned income.
- F A "derelict vessel" is a vessel of any kind that is unseaworthy or in badly deteriorated condition or which is likely to sink or cause damage to docks, floats, or other vessels or which may become a menace to navigation.
- G Mooring type:
"Resident Mooring" – a mooring permitted to a resident of Georgetown. (See "J" below)
"Non-Resident Mooring" – a mooring permitted to a non-resident of Georgetown.
"Rental Mooring" – a mooring intended to generate rental income. Rental moorings must be approved by the town of Georgetown and be permitted by the U.S. Army Corp of Engineers.
"Commercial Mooring" – a mooring permitted to the owner of a commercial vessel.
"Guest Mooring" is one additional mooring permitted to a boat owner who has a currently approved and paid-up mooring. Its purpose is to accommodate transient and visiting boaters and carries the same fees as the original mooring. A guest mooring cannot be used for rental purposes.
- H "Mooring" shall mean any equipment used by a craft for anchoring purposes and which equipment is not carried aboard such craft when under way. NOTE: Mooring locations are permitted by the town of Georgetown.
- I A "rental mooring" is a mooring leased or rented to an individual other than the registered mooring holder.
- J The word "resident" shall have its ordinary meaning and shall include persons owning or renting real residential property in Georgetown who use that property for their year-round or seasonal homes (with a minimum of six weeks continuous annual occupancy).
- K The word "vessel" shall have its ordinary maritime meaning and shall include personal watercraft, houseboats, and floatplanes having a means of self propulsion.
- L A "floating structure" includes all non-propelled structures moored, anchored or adrift.
- M A "waterfront parcel of land" means either
- 1 the larger of the minimum buildable lot size in the Town or 20,000 square feet and, in either case, including 100 feet of shoreline frontage, or
 - 2 a parcel of land of any size with at least 100 feet of shoreline frontage that was owned prior to 1 January 1987.
- N "Waterways" shall include all of the navigable waters and all harbors, rivers, and bays within the boundaries of the Town. As used in this ordinance, "harbor" and "harbors" shall include all waterways unless the context indicates otherwise.

- O Any term not defined in this section shall be deemed to have its commonly accepted meaning.

III Harbor Committee

- A Appointment: The Board of Selectmen shall appoint a committee of five individuals familiar with the waterways and their activities, all of whom shall be Georgetown residents, but none of whom shall be the Harbormaster or his deputies. Additionally, the Selectmen shall appoint as many as three alternate members who shall serve as regular members at the discretion of the chairman when a regular member is excused because of a conflict of interest or is unable to serve.
- B Term: All committee members shall serve staggered three-year terms.
- C Powers: The Harbor Committee shall:
 - 1 Plan the development of and establish policy for Georgetown's waterways.
 - 2 Study issues which may arise as a result of the use of the Georgetown Waterways and Harbors Ordinance.
 - 3 Recommend rules and regulations, including mooring fees, for use of waterways to the Selectmen for approval by the Town at Town Meeting.
 - 4 Recommend individuals to the Board of Selectmen for the position of Harbormaster.
 - 5 Prepare and administer the budget for the activities of the Harbor Committee and the Harbormaster.
 - 6 Review the activities of the Harbormaster.
- D Meetings: The Committee shall meet at least six times a year.
- E Vote: The Committee decisions will be made by vote of a majority of regular members present and voting.
- F Quorum: A majority of the regular members appointed to the Committee shall constitute a quorum.

IV Harbormaster

- A Appointment: The Harbormaster shall be appointed by the Board of Selectmen upon a recommendation by the Harbor Committee.
- B Term: The Harbormaster shall serve at the pleasure of the Board of Selectmen for a one-year term.
- C Duties: The Harbormaster shall:
 - 1 Enforce this Ordinance and exercise those powers granted by State law, including, but not limited to, the provisions of 38 MRSA §§ 1 through 13.
 - 2 Carry out responsibilities delegated by State and Federal requirements, including, but not limited to, the enforcement of the Operating Restrictions prescribed by 38 MRSA §§ 281 through 285.
 - 3 Provide advice to the Harbor Committee.
 - 4 Review and, when appropriate, approve applications for mooring privileges.
 - 5 Assign temporary and permanent berthing and mooring locations in Georgetown waterways and harbors.
 - 6 Remove or cause to be removed obstructions to navigation in Georgetown waterways and harbors.
 - 7 Place and maintain or cause to be placed and maintained, either on land or water, such signs, notices, signals, buoys, waterway markers, or control devices as he deems necessary to carry out the provisions of this Ordinance or to secure public safety and the orderly and efficient use of the waterways, harbors, or maritime facilities.
 - 8 Be alert to any pollution in the harbor, investigating and reporting to the Maine Department of Environmental Protection and the US Coast Guard as required and shall monitor cleanup and assist as practicable.
 - 9 Maintain appropriate records, including expense reports, correspondence related to his duties, mooring assignments, and GPS locations.
 - 10 Attend all meetings of the Harbor Committee.
 - 11 Other harbor and waterway related tasks as assigned by the Board of Selectmen.
- D Compensation: The Harbormaster's compensation shall be set by the Board of Selectmen.

V Registration of Moorings

- A Initial Application: Application forms for new mooring permits may be requested from the office of the Town Clerk. A completed application form, together with a non-refundable \$50 application fee, should be submitted to the office of the Town Clerk. New permit applications will be reviewed by

the Harbormaster within forty-five days of receipt. Applications will be either approved, with conditions placed on the permit if the Harbormaster deems them appropriate; denied; or, in the case of an application for a mooring location in an area of the harbor where no space is currently available, placed on the official waiting list for mooring assignment. The mooring permit will be issued upon approval of the application and payment of the appropriate annual fee.

- B Renewal: Annual mooring renewal fees become due on January 1st of each year and must be paid on or before April 30th of that year. A fee double the original fee shall be imposed for payments received between May 1st and May 31st. Mooring renewal fees not paid on or before May 31st will no longer be accepted and mooring privileges will be revoked, the mooring ball will be removed and the tackle dropped or the mooring *tackle* removed at the owner's expense so the mooring space can be reassigned.
- C Annual Fees: The fee for residents of Georgetown is \$15 for each mooring. The fee for non-residents is \$40 for each mooring. The fee for a mooring permitted for rental use is \$40.

VI Rules Governing Moorings, Mooring Locations, and Anchoring

- A All moorings that have been approved will be assigned specific locations with GPS coordinates. These coordinates will be recorded by the Harbormaster, with a copy maintained at the Town Office. Moorings will be given numbers that shall be prominently and permanently displayed on their buoys. Failure to display the number on the buoy may result in the number being affixed and the owner charged a \$25 fee, to be added to the following year's renewal fee.
- B Only active moorings shall be permitted. Any mooring that is currently registered but not used pursuant to its permit within a twelve-month period shall no longer be permitted and shall be removed.
- C The Harbormaster may require mooring owners to move their mooring to aid in establishment of an efficient mooring plan, to establish navigational channels, and/or to provide more adequate clearances among vessels. Notice will be given pursuant to 38 MRSA §§ 4 and 5 if such relocation becomes necessary.
- D Anchoring in Georgetown waters is permitted for a period of up to two weeks, after which time permission from the Harbormaster is required.
- E Mooring Assignment
 - 1 Except as provided in subsection 2, mooring privileges shall be granted on application to the Harbormaster on a first-come, first-served basis.
 - 2 When the number of applications exceeds the number of available mooring spaces in an area of the harbor, the Harbormaster shall assign mooring spaces as they become available from a waiting list, pursuant to the requirements of 38 MRSA § 3.
 - 3 a The Harbormaster shall maintain a waiting list of any applicants who have not been assigned moorings and post that list in the Town Office. The list shall be used to assist the Harbormaster in assigning moorings when he determines that space has become available. The list shall show the applicant's name, residency status, use status (commercial or non-commercial), location preference, and date of application. Except as provided in 38 MRSA § 3, assignments shall be made in the chronological order received in accordance with the following priorities:
 - (1) Vessel owners who are owners of waterfront parcels of land, who are entitled to one mooring in the harbor area adjacent to their land.
 - (2) Resident commercial vessel owners.
 - (3) Resident non-commercial vessel owners.
 - (4) Non-resident non-commercial vessel owners.
 - (5) Vessel owners with multiple mooring locations.
 - b If less than ten percent of the currently assigned non-commercial moorings in the Town's waterways are held by non-residents, then the next available mooring shall be assigned to the first applicant on the waiting list meeting that description. If less than ten percent of the currently assigned commercial moorings in the Town's waterways are held by non-residents, then the next available mooring shall be assigned to the first applicant on the waiting list meeting that description. If both non-resident non-commercial and non-resident commercial are allocated less than the required ten percent, the next available mooring shall be assigned to the first applicant on the waiting list from whichever group has the lowest percentage. Usage of all moorings, including rental moorings, shall be counted in the tabulation of the ten percent requirements.
- F Mooring permits are not transferable, except that commercial fishermen may transfer mooring

permits to members of their immediate family for continued use for commercial fishing, pursuant to 38 MRSA § 3-A.

- G Except for rental and guest moorings, a mooring shall be permitted only to the registered owner(s) of the vessel listed on the permit.
- H Multiple use of moorings: The Harbormaster shall facilitate the multiple use of moorings in the harbor in order to maximize the use of the limited space available.
 - 1 Temporary use of a permitted mooring: With the written permission of the permitted mooring holder, the Harbormaster may issue a written authorization for a vessel belonging to an individual, or for a vessel in the care, custody, or control of a commercial entity, to occupy temporarily an unoccupied permitted mooring, subject to any provisions he deems appropriate.
 - 2 Occasional use of a permitted mooring: The use of a mooring by a vessel other than the vessel listed on the permit, for a period not to exceed five days per calendar year, shall not require specific permission of the Harbormaster but shall require all of the following:
 - a the permission of the permitted mooring holder; and
 - b that the vessel's length is no greater than that of the vessel listed on the permit; and
 - c if the vessel is a commercial vessel, it must be registered or documented to a Georgetown Resident.
- I Moorings shall at all times be maintained in a safe condition, in accordance with the provisions of the Mooring Permit. Failure by the permit holder to do so will result, after notification, in revocation of the permit.
- J For purposes of identification, mooring balls or pick-up floats shall have their assigned permit numbers visibly displayed.
- K Removal of abandoned moorings: When the Harbormaster determines that a mooring is abandoned; he shall tag the mooring ball as non-compliant and subject to removal in 30 days. In accordance with 38 MRSA § 4, the mooring ball may be removed and the tackle dropped.
- L Rental moorings: No mooring shall be used as a rental mooring unless it is registered as such with the Town of Georgetown and the registered owner has a permit from the US Army Corps of Engineers.
- M Persons setting non permitted moorings will be given 14 days to remove the mooring tackle or it will be cut and dropped by the Harbormaster.

VII Basic Speed Law: The operation of any vessel within five hundred feet of any anchorage or mooring, float, or wharf, in excess of five knots, or in a manner to create a wake, shall constitute a violation of this ordinance. Where speed buoy signs are displayed, speed cannot exceed five (5) knots unless indicated on sign or buoy. Violators will be issued a warning or ticket by the Harbor Master or Deputy for exceeding the applicable speed limit. Violations will be a municipal offense, civil and punishable by a fine of \$50 per violation. Fines may be paid at the Georgetown Town Office. Payment must be made within seven (7) days of violation. Residential boat owners or town officials may record registration numbers and submit to the Harbor Master for investigation.

VIII Abandoned and Derelict Vessels: No person shall bring into or maintain in Georgetown waters any derelict vessel or a vessel for salvage or abandon any vessel, without permission of the Harbormaster. Whoever does so is guilty of a Class E crime as outlined in 38 MRSA §§ 9 and 13. Vessels that are to be salvaged by firms licensed by the State to do salvage work shall be excluded from this section. The Harbormaster shall have the sole authority to determine what constitutes a vessel that is derelict or abandoned.

IX Procedure: The Harbormaster will notify the owner or owners of an abandoned or derelict vessel that it must be removed within seven days (unless circumstances dictate immediate removal) or face action as set forth in 12 MRSA §§ 591 ET seq (the Abandoned Watercraft Act).

X Penalty: As specified by 38 MRSA § 2, anyone who violates the terms of this Ordinance or fails to obey an order of the Harbormaster or Deputy may be guilty of a Class E crime and, in addition to the fines described in this ordinance, may be subject to the penalties set forth in 30-A MRSA § 4452, which includes fines of \$100 to \$2,500 per day of offense, injunctions, and attorney fees and court costs.

XI Separability: In the event that any section, subsection, or portion of this Ordinance shall be declared by any Court having jurisdiction to be invalid for any reason, such decision shall not be deemed to affect

the validity of any other section, subsection, or portion of this Ordinance.

XII Appeal Rights: The Town of Georgetown Board of Appeals shall hear and decide appeals alleging error by the Harbor Master or Deputy in issuing orders or fines under this Ordinance. The aggrieved person must make a written appeal within thirty (30) days of the date of the decision being appealed, and the Board of Appeals shall hold a public hearing within thirty-five (35) days from the date of receipt of the appeal. A party aggrieved by the decision of the Board may appeal to Superior Court within thirty (30) days from the date of the Board of Appeals decision pursuant to Maine Rules of Civil Procedure, Rule 80B.

XIII Effective Date: This Ordinance was adopted April 20, 1983. Changes included herein become effective when adopted by Town Meeting.

WIRELESS COMMUNICATIONS FACILITIES ORDINANCE

for the Town of Georgetown, Maine

Adopted June 13, 2009

Amended June 12, 2010

1.0 TITLE

This Ordinance shall be known and cited as the "Wireless Communications Facilities Siting Ordinance" for the Town of Georgetown, Maine (hereinafter referred to as "the Ordinance").

2.0 AUTHORITY

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1, of the Maine Constitution; the provisions of 30-A MRSA § 3001 (Home Rule); and the provisions of the Planning and Land Use Regulations Act, 30-A MRSA § 4312 *et seq.*

3.0 PURPOSE

The purpose of this ordinance is to provide a process and standards for the construction of wireless communications facilities. These standards are designed and intended to balance the interests of the residents of the Town of Georgetown, wireless communications providers, and wireless communication customers in siting wireless communications facilities within the town.

3.1 Wireless Communication Facilities (WCF) standards are also intended to:

3.1.1 Implement a municipal policy concerning the provisions of wireless communications services, and the siting of their facilities;

3.1.2 Establish clear guidelines, standards, and time frames for the exercise of municipal authority to regulate wireless communications facilities;

3.1.3 Ensure that all entities providing wireless communications facilities to the Town of Georgetown comply with the ordinances of the Town of Georgetown;

3.1.4 Permit the Town of Georgetown to protect public health, safety, and welfare fairly and responsibly;

3.1.5 Encourage the co-location of wireless communications facilities, minimizing adverse visual impacts on the community;

3.1.6 Require providers of wireless communications facilities to configure them in a way that minimizes adverse impact through careful design, siting, and landscape screening; and

3.1.7 Provide for the removal of towers and associated structures that are no longer being used for wireless communications purposes.

4.0 APPLICABILITY

This Ordinance shall apply to all construction and expansion of wireless telecommunications facilities, except as provided in Section 4.1.

4.1 Exemptions. The following are exempt from the provisions of this ordinance:

4.1.1 Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC);

4.1.2 Parabolic antennae less than seven feet in diameter that are an accessory use of the property;

4.1.3 Temporary WCF in operation for a single period, not to exceed 180 days. Such temporary facilities shall be removed within 30 days following the maximum allowed period; and

4.1.4 Antennae as accessory uses to a residential dwelling unit provided that the WCF is not used for commercial purposes.

5.0 REVIEW AND APPROVAL AUTHORITY

Construction, alteration, repair, or change on any WCF shall require a building permit issued by the Planning Board.

- 5.1 A building permit is required for:
- 5.1.1 Any WCF that does not exist as of the effective date of this Ordinance;
 - 5.1.2 Any additional antenna or antenna array or increase in broadcast capacity in excess of the exemption standards contained in FCC OETC Bulletin 65 on the WCF not previously and specifically approved by the Planning Board; and
 - 5.1.3 Any increase in tower height not previously and specifically approved by the Planning Board.

5.2 Normal maintenance, as defined in Section 18 of this Ordinance, does not require a building permit.

5.3 No construction, alteration, repair, or change shall occur to any WCF unless all required permits are obtained including, but not limited to, any Federal or State permits.

6.0 REVIEW PROCEDURES

The Planning Board shall have the authority to engage an independent radio frequency engineer or other expert to review any documentation, guidelines, performance standards, or testimony provided by the applicant to the Planning Board to ensure that the requirements of this Ordinance are met. The qualified third party shall, at the request of the Planning Board, verify the accuracy of the information presented by the applicant. The costs for any consultants or experts engaged by the Planning Board shall be borne by the applicant. In all cases, the burden of proof shall be on the applicant to demonstrate that the required standards have been met.

6.1 Pre-Application Conference

6.1.1. No less than 30 days before submitting a WCF application for approval, the applicant or his agent shall appear before the Planning Board to discuss the proposed facility, present a sketch plan for informal review, and make arrangements for an inspection of the site with the Planning Board within the 30-day period from the date of the pre-application conference.

6.1.2. The sketch plan shall include a rough outline of the proposed facility showing the proposed location of the antenna/antenna tower, support buildings, property boundaries, abutter's buildings, and other features which may be of assistance to the Board in understanding the proposal.

6.1.3. No binding commitments shall be made between the applicant and the Board at this stage. The purpose of the pre-application meeting shall be to understand what is proposed, what is possible, and what is acceptable.

6.1.4 Site Inspection: The Chairman of the Planning Board will appoint one or more individuals to inspect the site, preferably accompanied by the applicant and the CEO. The purpose of this inspection is to provide fuller information for the Board on the characteristics of the site and the impact the WCF will have on the surrounding area.

6.1.5 The Planning Board shall provide the applicant with the requirements for an application at the pre-application conference. The application shall consist of the items outlined in section 6.2 below. The Planning Board may, at its discretion, modify the requirements in accordance with section 14 below if such actions will not unreasonably restrict its ability to review the application.

6.2 Application. All persons seeking approval of the Planning Board under this ordinance shall submit an application for a WCF and shall provide the following information as a minimum:

6.2.1 General

a. Names, addresses, phone numbers, and other means of contacting owner, lessee, companies, and persons that will function as contacts for the required inspections and monitoring of the WCF;

b. Documentation of the applicant's right, title, or interest in the property on which the facility is to be sited, including name and address of the property owner and the applicant;

c. Evidence of the need for wireless telecommunications improvements within the Town of Georgetown and/or surrounding areas;

- d. Evidence of a commitment from a duly licensed entity to utilize the tower to provide wireless communication services. All wireless communication entities that are contracted to locate on the tower must join as applicants;
- e. Written approval by all applicable State and Federal agencies, including but not limited to the FAA and FCC, including a description of any conditions or criteria for the approval, or a statement from the agency that no approval is required;
- f. A plot plan and elevation drawings of the proposed facility and any associated structures, proposed antennas, platforms, accessory equipment, fences, and landscaping, showing colors and identifying structural materials; identification of any other telecommunication facilities existing or proposed on the site; and details of all existing or proposed accessory structures including buildings, parking areas, utilities, gates, access roads, etc.

6.2.2 Tower

- a. Evidence that the applicant has notified all other tower and alternative tower structure owners and licensed wireless communication providers that could furnish service to the Town by registered mail, return receipt requested. This notice shall state the applicant's siting needs and request information on the co-location capabilities of the existing or previously approved facilities. This evidence shall include a name and address list and a copy of the notice sent.
- b. A letter of commitment, binding upon the tower owner and all successors in interest, to lease excess space on the tower to other potential users at reasonable rates, which shall be economically viable and not unduly burdensome. This letter of commitment shall be recorded in the Sagadahoc County Registry of Deeds before the building permit can be issued.
- c. Evidence that previously approved towers and alternative tower structures in the Town cannot accommodate the communications equipment planned for the proposed tower. Such evidence shall include documentation from a licensed wireless communications provider or a qualified licensed professional engineer that:
 - (1) The planned necessary equipment would exceed the structural capacity of existing and approved towers and alternative tower structures, considering:
 - (a) the existing and planned use of those towers and alternative tower structures, and
 - (b) the inability to reinforce or enlarge existing and approved towers to accommodate planned or equivalent equipment at a reasonable cost; or
 - (2) Planned equipment will cause electromagnetic frequency interference with other existing or planned equipment for that tower or alternative tower structure, and the interference cannot be prevented at a reasonable cost; or
 - (3) Existing or approved towers and alternative tower structures do not have space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or approved; or
 - (4) Other reasons that make it technically or financially unfeasible to place the equipment planned by the applicant on existing and approved towers and alternative tower structures.
- d. Documentation that the proposed tower cannot be co-located on existing or previously approved tower sites. Evidence should include an assessment of whether such tower sites could be changed to accommodate the proposed tower, and a general description of the projected cost of shared use of the existing or approved tower site.
- e. A report from the manufacturer or a qualified, licensed professional engineer that describes the tower, the technical reasons for the tower design, the structural integrity for the proposed use at the proposed location, and the capacity of the tower, including the number(s), type(s), and volume(s) of antennae that it can accommodate and the basis for the calculation of capacity.
- f. A letter of intent that commits the tower owner and his or her successors in interest to:
 - (1) Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant;
 - (2) Negotiate in good faith for shared use by third parties that have received an FCC license or permits; and
 - (3) Allow shared use if an applicant agrees in writing to pay reasonable charges.
- g. Proof of financial capacity to build, maintain, and remove the proposed tower.
- h. The maximum tower height shall be no more than necessary to provide for service and public safety, and in no case higher than 175 feet. Factors to be considered are geography of the site,

technology to be used, power to be transmitted, proposed range of reception, number of expected users, number of expected carriers, and the technology each will use.

i. There shall be no more than one tower on each lot.

6.2.3 Site Plan:

- a. prepared and certified by a registered professional engineer indicating the location, type, and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access, setbacks from property lines and roads, and all applicable American National Standards Institute (ANSI) technical and structural codes; showing and including
- b. Elevation drawings, cross sectional area or silhouette, of the facility, drawn to scale, and showing all measurements, both linear and volumetric, showing front, sides, and rear of the proposed facility including all fencing, supporting system for transmission cables running between the tower and accessory structures, control panels, antennae, and existing structures and trees. Reference any design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- c. Detail of the tower base or method of attachment to a structure. If the facility will be attached to an existing building or structure, provide measurements and elevations of the structure.
- d. Certification by the applicant that the proposed facility complies with all FCC standards for radio emissions; and
- e. A boundary survey for the project performed by a licensed land surveyor.

6.2.4 Lot Assessment, consisting of the following:

- a. A landscaping plan indicating the proposed placement of the facility on the site; location of existing structures, trees, and other significant site features such as streams, marshes, etc.; existing plant materials to be retained and trees and shrubs to be removed; land uses on the proposed parcel and on abutting properties; the type and location of plants proposed to screen the facility; the method of fencing; the color of the structure; and the proposed lighting method.
- b. Photo simulations of the proposed facility taken from perspectives determined by the Planning Board, or its designee, during the pre-application conference. Each photo must be labeled with the line of sight and elevation, and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.
- c. A written analysis of the visual impact of the proposed facility, including tower and supporting structures, which may include photo montage, field mock up, or other techniques, that identify the potential visual impacts, at design capacity, of the proposed facility. Consideration shall be given to views from roads, public areas, private residences, significant scenic resources, historic resources, including historic districts and structures listed in the National Register of Historic Places, and archaeological resources. The analysis of the impact on historical and archaeological resources shall meet the requirements of the Maine State Historical Preservation Officer in his/her review capacity for the FCC. The overall analysis shall assess the cumulative impacts of the proposed facility and other existing communication facilities in the area.

6.2.5 Location

- a. No WCF shall be located so as to create a significant threat to the health or survival of rare, threatened, or endangered plant or animal species. WCFs shall not be sited in a Resource Protection District.
- b. WCFs shall not be sited in areas of high visibility as determined by the Planning Board unless it finds that no other location is technically feasible.
- c. An equipment compound may be erected in connection with a tower provided that:
 - (1) It shall consist of no more than 2,500 sq. ft. in area;
 - (2) It shall be situated behind any existing buildings, structures or terrain features that will help shield the compound from public view;
 - (3) The maximum height of any building within the equipment compound shall be no taller than one story in height, up to a maximum height of twenty feet, and shall be created to look like a building or facility typically found in the area;
 - (4) Equipment buildings, lockers, or cabinets shall be located within the equipment compound, which shall be enclosed within a solid wooden fence of at least seven feet in height and no more

than eight feet in height as measured from the finished grade. The fence shall include a locking security gate; and

(5) Sufficient anti-climbing measures and other security measures preventing access to the site shall be incorporated into the facility, as needed, to reduce the potential for trespass and injury.

6.2.6 Buffer Requirements

a. Vegetative buffering must be provided to screen, at ground level, the tower and any accessory buildings and structures from adjacent land uses. The preservation of existing mature vegetation and natural land forms on the site shall be preserved to the greatest extent possible.

b. If existing vegetation at the time of application does not provide adequate buffering to minimize visual impact of the structure and if location out of public view is not possible, the Planning Board may require additional plantings in the buffer area to enhance the effectiveness of the buffer area as a visual screen. In any case, a landscaped buffer 20 feet in width shall be provided around the compound to shield the facility from public view. The landscaped buffer shall include evergreen trees at least eight feet in height at the time of planting and shall be planted in staggered double rows at 15 feet on center, or screening that will provide equivalent buffering - the size and quantity of plantings shall be subject to Planning Board approval. If any additional plantings within landscaped buffered area(s) do not survive a minimum of two years, they must be replaced.

6.2.7 Finish and Color: Facilities installed according to these provisions shall be suitably finished and/or painted so as to minimize their visual impact on the landscape. Buildings and equipment that will be visible to the public should be designed in a manner and constructed of materials consistent with their surroundings. The tower and equipment associated with the antennas shall be of such a color or finish as to blend with their surroundings.

6.2.8 Space and Bulk Requirements: Any WCF not existing as of the effective date of this ordinance shall conform to the following standards:

a. Mounting and Dimensions: The mass and dimensions of antennae on a tower or alternative tower structure shall be governed by the following criteria:

(1) Whip Antennae shall not exceed 20 feet in length for an individual antenna, and shall be limited to two per mount, with no more than three mounts at a given level.

(2) Panel Antennae - The horizontal centerline of all panel antennae of a single carrier must be aligned in the same horizontal plane, with each antenna not to exceed eight feet in length or two feet in width.

(3) Panel Antenna Mass Per Array - The mass of antennae, including required antenna support structures, shall not exceed 500 cubic feet per antenna array, with no one dimension exceeding 15 feet per array. The mass shall be determined by appropriate volumetric calculations using the smallest regular rectilinear, cuboidal, conical, cylindrical, or pyramidal geometric shapes encompassing the perimeter of the entire array and all of its parts and attachments.

b. Lot Area: A WCF shall not be constructed on a lot that does not conform to the Georgetown minimum lot size, even if such a lot is a lawful, non-conforming lot of record.

c. Setbacks:

(1) The center of the tower base shall be set back from the property line by a distance of at least one hundred and ten percent of the total tower height. If guy wires are used, they shall meet the applicable building setback requirements from the property line. This provision shall apply to both leased and owned property. Equipment facilities and other non-residential structures deemed functionally dependent for the WCF by the Planning Board may be permitted within the antenna setback area if desired by the applicant, but not within the normal building setback requirements.

(2) All telecommunication facilities shall maintain the required setbacks as undisturbed vegetated buffers, except for the access road.

(3) There shall be no setback requirements for antennae mounted on alternative tower structures. The standard building setbacks shall apply for alternative tower structures and equipment facilities where applicable.

6.2.9 Co-Location is strongly encouraged in order to avoid the construction of multiple towers. All wireless communication towers and equipment compounds shall be built so as to facilitate co-location with additional service providers provided that the height limits and other bulk restrictions of this Ordinance are not exceeded.

7.0 PLANNING BOARD REVIEW GUIDELINES

7.1 The Planning Board review of the application shall be advertised in local newspapers for at least three days prior to the review. In addition, the applicant shall notify all abutters by registered mail, return receipt requested, at least 14 days prior to the review.

7.2 The Planning Board may require that the applicant submit documentation, in writing, that the guidelines established below will be met and maintained. The Planning Board will be guided in its consideration of a WCF application by the following parameters:

7.2.1 All standards contained in Section 8, Performance Standards, of this Ordinance.

7.2.2 The height of the proposed tower, alteration, or other necessary structure does not exceed what is essential for its intended use.

7.2.3 The proximity of the tower and impact to residential development shall be minimized.

7.2.4 The WCF shall minimize changes to the existing natural topography to the maximum extent feasible and shall take into consideration the surrounding topography.

7.2.5 The WCF shall utilize the surrounding tree coverage and foliage as a buffer. Removal of mature trees shall be strongly discouraged.

7.2.6 The design of the WCF including the tower, antenna, antenna array, and any functionally dependent structures shall have the effect of reducing or eliminating visual obtrusiveness.

7.2.7 The WCF shall minimize visual impacts on viewsheds, ridgelines, and other areas of impacts by means of tower location, tree and foliage clearing, and placement of incidental structures.

7.2.8 The proposed facility shall not be constructed in such a manner as to result in unnecessary height, mass, and guy-wire supports.

7.2.9 Based on information submitted by the applicant, the Planning Board shall ensure that other technically feasible sites have been investigated and the proposed facility has been located in order to minimize the effect of the location on visually sensitive areas such as residential use, historical areas, open space areas, and marshes.

7.2.10 The Planning Board may require a performance guarantee in accordance with Section 9.1 of this ordinance. The applicant shall also provide a removal guarantee as required by Section 9.2 of this ordinance.

7.2.11 The applicant shall pay all reasonable and customary fees incurred by the Town necessary to review the application, including, but not limited to, independent engineering, planning, legal, or similar professional consulting services. Any such fees shall be assessed for review and shall be payable without regard to consultation results or the outcome of the application review. Any fees incurred shall be paid in full at the time of application.

8.0 PERFORMANCE STANDARDS

All applications requiring Planning Board review shall meet and maintain the following performance standards to the maximum extent possible as determined by the Planning Board.

8.1 Structural Design Standards

- a. Any new single-use tower shall be designed to support structurally a minimum of two additional antenna arrays.
- b. Communication towers shall be designed and installed in accordance with the most current standards of the Electronic Industries Association (EIA) Structural Standards for Steel Antenna Towers and Antenna Supporting Structures.
- c. The applicant's engineer shall provide documentation showing that the proposed WCT meets or exceeds the most current standards of the American National Standards Institute for Sagadahoc County relative to wind and ice loads when the tower is fully loaded with antennae, transmitters, and other equipment as described in the submitted plan.
- d. For towers or antennas placed on buildings or alternative tower structures, the applicant shall also provide written certification from a structural engineer that the building or ATS itself is structurally capable of safely supporting the tower, antennas, their accompanying equipment and ice and wind loads.
- e. A proposal to construct a new co-located WCT at or below the maximum height allowable permitted for a single wireless communication service must include evidence that the tower can structurally support a minimum of two antennae arrays for each anticipated co-locating entity.

8.2 Radiation Emission Standards: The design, siting, and operation of the tower and any related structures must assure that all potentially hazardous radiation is controlled or contained, and that radiation levels are at safe levels as determined by applicable State and Federal standards.

8.3 Aesthetics

- a. Except where otherwise dictated by Federal or State requirements, the Planning Board may require that a proposed tower be designed to blend with its surroundings. Blending may include, but is not limited to, having a galvanized finish or being painted flat blue-gray or in a sky tone above the tops of surrounding trees and earth tone below treetop level.
- b. If lighting is required by State or Federal regulations, the Planning Board may review the available lighting alternatives and approve the design that will cause the least disturbance to the surrounding properties and views.
- c. Antenna arrays and microwave dishes located on an ATS shall be placed in such a manner as to be as indistinguishable as possible from the current appearance of the existing structure as viewed from the ground level adjacent to the ATS. If circumstances do not permit such placement, the antenna array and dishes shall be placed and colored to blend into the architectural detail and coloring of the host structure.
- d. The Planning Board may require special design of the facilities where findings of particular sensitivity are made (for example, proximity to historic or aesthetically significant structures, views, or community features).
- e. No advertising or signage shall be permitted on any tower or antenna except for safety or other signage that may be required by the FCC.

8.4 Access: The operator shall keep the access to the facility free from snow and debris to ensure emergency access if required.

9.0 ADDITIONAL STANDARDS AND CRITERIA

Operators of wireless communications facilities and their successors and assigns shall, on an annual basis, provide to the Town of Georgetown a letter certifying that the tower is still in use

and that the tower and its component equipment have not been superseded by more modern and preferred technology, thus rendering their use obsolete.

9.1 Performance Guarantee

Any application that requires Planning Board review and approval shall require the posting of a performance guarantee for the development, construction, modification, and/or removal of the WCF. The amount of the guarantee shall be sufficient to return the land to a condition as near to the original pre-construction condition as possible as determined by the Planning Board. The amount of the guarantee shall be determined by the Planning Board based on estimates from independent contractors. The type and form of guarantee shall be approved by the Board of Selectmen. The guarantee shall be released only as authorized by the Planning Board.

a. Wireless communications facilities that are not in use for wireless communications purposes for six consecutive months shall be removed by the facility owner or the contractually responsible party at his or her own expense. Removal, including the removal of all components associated with the facility, shall occur within 90 days of the end of such six-month period. Upon removal, the site shall be cleaned, restored, and re-vegetated to blend with the surrounding vegetation at the time of abandonment, or to a condition as near to the original pre-construction condition as possible as determined by the Planning Board.

b. Should the specific use of these wireless communication facilities be superseded by more modern and preferred technology, thus rendering their use obsolete, the tower and associated equipment and components be dismantled and the site restored.

c. The applicant for a new tower shall, prior to issuance of any building permit required for a WCF or WCT hereunder, post a performance guarantee in the form of a continuous corporate surety bond, or an escrow account, for the benefit of the Town equal to 125 percent of the estimated demolition and removal cost of the tower and associated facilities and components. Estimates of demolition and removal costs shall be provided by an independent contractor, and shall not be based on services being provided by Town employees and Town equipment. The amount of the guarantee shall be approved by the Planning Board, and shall be sufficient to return the land to a condition as near to the original pre-construction condition as possible as determined by the Planning Board.

d. Estimated removal costs shall include all above-ground structures, equipment, foundations, guy anchors, utilities, fencing, access roads, or driveways specifically constructed to serve the tower, structures, equipment, or utilities.

e. The type and form of the guarantee shall be subject to review and approval by the Town Attorney and the Board of Selectmen. The Board of Selectmen shall have the authority to require either a certified check payable to the Town of Georgetown, a savings account passbook issued in the name of the Town, an irrevocable letter of credit in favor of the Town from a financial institution authorized to do business in Maine, or a faithful performance bond running to the Town and issued by a surety company authorized to do business in Maine and acceptable to the Board of Selectmen.

f. All performance guarantees shall be on a continuous basis, with any provision for cancellation to include that the Town must be given at least 30 days notice of cancellation. The performance guarantee covering removal shall be for a minimum term of three years. It shall contain a mechanism satisfactory to the Planning Board for reviewing the cost of removal of the structure every three years, and a mechanism for increasing the amount of the guarantee, should the revised cost estimate so necessitate. The performance guarantee shall be released by the Planning Board only upon the completion of tower and facility removal and land restoration (as required by this Section) to the satisfaction of the Code Enforcement Officer.

9.2 Time Schedule: The WCF must be completed for operational use by the end of a 12-month period after final approval.

9.3 Liability: The Town of Georgetown is excluded from any liability relating to the loss of life, personal injury, or property damage as a result of the use of this wireless communications facility, its equipment, and component thereof.

10.0 ALTERATIONS TO EXISTING FACILITIES

10.1 Normal maintenance and repairs of any conforming WCT and its related buildings may be performed without a permit from the CEO.

10.2 Planning Board review and approval in accordance with the standards of this Ordinance shall be required if any of the following changes are proposed:

- a. Any increase in the number or size of antenna(s), antenna array(s), or broadcast capacity in excess of the exemption standards contained in FCC OET Bulletin 65.
2. Any increase in tower height. Also requires a building permit issued by the CEO.
3. Any change to tower lighting or existing buffering.
4. Any change to the access road or the size (square feet or volume) of any structure on site. Also requires a building permit issued by the CEO.

11.0 BUILDING PERMIT REQUIREMENTS

The Planning Board shall ensure that the following requirements are met before issuing a building permit for a WCF. Building permits shall be issued in accordance with the requirements of the Building Permit Ordinance and Shoreland Zoning Ordinance except for the additional requirements or standards cited in this Ordinance.

11.1 A building permit for the construction of a new WCF or any change to an existing WCF shall not be issued until the Planning Board has approved the facility and all applicable conditions have been met.

11.2 The Planning Board shall not issue a building permit for a WCF unless all required permits are obtained and filed with the Town including, but not limited to, any applicable Federal or State permits or licenses.

11.3 In the event that an applicant proposes to add capacity, or change component parts of the antenna, the Planning Board may issue a building permit for additional antenna, antenna array(s), or broadcast capacity if the changes have been previously and specifically approved by the Planning Board. The Planning Board approval must specifically state that this capacity is allowed. Any increase in broadcast capacity in excess of the exemption standards contained in FCC OET Bulletin 65 must be previously and specifically approved by the Planning Board.

11.4 The Planning Board shall have the authority to use professional and technical services to review proposed plans and to inspect the construction of an approved project. The applicant shall pay all costs incurred for these review and inspection services.

11.5 If the Planning Board requires inspections and/or proof of insurance, all necessary forms and inspection schedules shall be submitted.

11.6 If the Planning Board requires a performance guarantee and/or abandonment/removal bond for the proposed WCF, it must accept the bond required before acting on the application.

12.0 INSPECTIONS

12.1 Inspections of towers by either a registered professional engineer or a qualified third party mutually agreed upon by the applicant and the Planning Board/CEO shall be performed to assess structural integrity. Such inspections shall be performed as follows:

- a. Monopole towers - at least once every six years following completion of construction. The inspection shall take place between the fifth and sixth year of the repeat sequence.
- b. Self-supporting towers - at least once every five years following completion of construction. The inspection shall take place between the fourth and fifth year of the repeat sequence.
- c. Guyed towers - at least once every three years following completion of construction. The inspection shall take place between the second and third year of the repeat sequence.

12.2 The owner shall submit the inspection report to the CEO or designee 30 thirty days of its receipt. Based upon the results of the inspection, the CEO, or upon recommendation by the CEO, the designee may require repair or demolition of the tower.

12.3 The cost of such inspections, reports, repairs, or demolition required shall be borne entirely by the tower owner. Required repairs shall be completed within 90 days or less, as required by the CEO or designee for safety reasons.

12.4 Failure to provide required inspection reports in the required time schedule shall be deemed prima facie evidence of abandonment.

13.0 REMOVAL OF ABANDONED WIRELESS COMMUNICATION FACILITIES

13.1 The owner of a WCF shall notify the CEO of the date of cessation of use of the facility or any component thereof within one month from the date of such cessation. If the owner fails to give the notice required by this paragraph, the CEO shall make a determination of such date, which determination shall be conclusive.

13.2 Any WCF or component thereof that is not operated for a continuous period of six months shall be considered abandoned. The owner of an abandoned WCF or component thereof shall remove it within 90 days of receipt of notice from the CEO of determination of abandonment. If the owner fails to remove the abandoned WCF or component thereof as required, the Town shall utilize the removal guarantee and shall cause the removal of the abandoned equipment and any required site restoration.

13.3 If the owner goes out of business or becomes bankrupt, the WCF shall be considered abandoned. The owner shall meet the removal and restoration requirements in this Section.

13.4 The applicant shall be required to post a performance guarantee in accordance with standards established in Section 9 above.

13.4 If two or more operators use a single WCF or tower, these provision shall not apply until all users cease using the WCF or tower.

13.5 If all antennae above a manufactured connection on a tower are removed, the resulting unused portions of the tower shall be removed within three months.

13.6 The replacement of all or portions of a WCF previously removed requires a new application and site plan approval as established in this Ordinance

14.0 WAIVERS

The Planning Board may waive any of the submission requirements based upon a written request of the applicant submitted at the time of application. It may grant a waiver of any submission requirement only if it finds in writing that the information is not required to determine compliance with the standards of this Ordinance. The Planning Board must additionally determine that such modification or waiver would not adversely affect properties in the vicinity or the general safety

and welfare of the Town. The burden of proof rests solely with the applicant and must be shown to be consistent with Federal and State law and with the purpose of this Ordinance.

15.0 APPEALS

Appeals shall be in accordance with the standards established in the Building Permit Ordinance or Shoreland Zoning Ordinance. Appeal applications and variance requests shall be in accordance with Board of Appeals Ordinance Section VI.

16.0 CONFLICT AND SEVERABILITY

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 apply. The invalidity of any part of this Ordinance shall not invalidate any other part of this Ordinance

17.0 EFFECTIVE DATE

This Ordinance becomes effective upon approval at Town Meeting.

18.0 DEFINITIONS

In addition to those terms defined in the Building Permit and Shoreland Zoning Ordinances, the following terms are applicable for reviewing an application for a WCF and for ensuring that applicable standards are met.

ATS (Alternative Tower Structure): Clock towers, steeples, light poles, water towers, electrical transmission line towers, and similar alternative mounting structures that camouflage or conceal the presence of antennae or towers associated with a WCF.

Antenna/Antenna Array: (1) A device used in communication that transmits or receives radio or electromagnetic frequency signals. (2) A system of one or more rods, panels, discs, or similar devices used for transmitting or receiving radio frequency (RF) signals through electromagnetic energy. These include, but are not limited to, omni-directional antennae (whip or rod), directional antennae (panel), and parabolic antennae (dish or disc).

Antenna Support Structure: Any pole, telescoping mast, tower tripod, or other structure that attaches to a tower and supports one or more antenna.

Co-location: The use of a WCF by more than one wireless telecommunications provider.

Equipment Facility: Any structure used to contain ancillary equipment for a WCF, including cabinets, shelters, a build-out of an existing structure, pedestals, and other similar structures.

FAA: the Federal Aviation Administration or its lawful successor.

FCC: the Federal Communication Commission or its lawful successor.

Normal Maintenance: The regular, routine maintenance of a WCF including but not limited to changing light bulbs, plowing and maintaining the existing access road and gate, fence repair and maintenance, maintenance of the buffer, replacing an existing antenna with a functionally equivalent antenna, and changing or repairing electronic components that do not increase the broadcast capacity of the WCF in excess of the exemption standards contained in FCC OET Bulletin 65. This definition specifically includes painting provided that it is done in accordance with the standards established in this Ordinance. This definition specifically excludes widening an

access road, increasing tower height, replacing light fixtures, and increasing the broadcast capacity of a WCF within the exemption standards contained in Bulletin 65.

OET: The FCC Office of Engineering and Technology.

Parabolic Antenna: (also known as a satellite dish antenna): An antenna that is bowl shaped, designed for receiving or transmitting RF communication signals in a specific directional pattern.

Tower Height: The vertical distance measured from the mean elevation of a 25' radius of a circle whose center is the base of the tower to the highest point of the tower or ATS, including the base pad, all antennae, and other attachments. When towers are mounted on buildings or other structures, the total vertical height is measured from the ground level as stated above.

Wireless Communications: Any personal wireless services as defined in the Federal Telecommunications Act of 1996, which includes FCC-licensed commercial wireless telecommunications services including but not limited to telecommunications services, radio or television signals, or any other spectrum-based transmissions/receptions, cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, radio, television, and similar services that exist or may be developed.

WCF (Wireless Communication Facility) or Facility: A facility that transmits, receives, distributes, provides, or offers wireless communications. This definition includes the facility's associated antennae, microwave dishes, horns, cables, wires, conduits, ducts, lightning rods, electronics, and other types of equipment for transmitting, receiving, distributing, or offering such signals, wireless communication towers, antenna support structures, and other structures supporting the equipment, and any attachments to those structures, including guy wires and anchors, equipment buildings, generators, parking areas, utility services, driveways, roads, and other accessory features.

Wireless Communication Towers - Co-Located: A Wireless Telecommunications Tower or ATS supporting one or more antennae or antenna arrays owned or used by more than one public or private entity. A Co-Located Tower may include two or more antenna arrays serving the same company provided that the applicant can demonstrate to the Planning Board that separate levels are a practical necessity.

WCT (Wireless Communication Tower) or Tower: A structure designed and constructed specifically to support an antenna array that provides wireless communication. A tower may be a monopole (ie "flagpole"), self-supporting (lattice) tower, guy-wire support tower, or other similar structure, and includes all supporting lines, cables, wires, and braces.