2018

Town of Machias Maine Ordinances

Machias, Me.

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TOWN OF MACHIAS
ANIMAL CONTROL ORDINANCE

1. Title
This Ordinance may be cited as the “Town of Machias Animal Control Ordinance.”

2. Purpose
The purpose of this Ordinance is to set a minimum standard for the care and control of all animals as defined below, that are being kept and cared for in the Town of Machias.

3. Definition of Terms
As used in this ordinance, unless the context otherwise indicates,
a) “Dog” shall be intended to mean both male and female members of the canine species.
b) “Exotic Animal” shall be intended to mean, but not limited to snake, lizard, or spider, birds.
c) “Owner” shall be intended to mean any person or persons, firm, association or corporation owning, keeping or harboring a dog.
d) “Keeper” shall be intended to mean a person in possession or control of an animal.
e) “At large” shall be intended to mean off the premises of the owner, and not under the control of the owner, keeper, either by leash, or otherwise.
f) “Animal” shall be intended to mean any living sentient creature that is not a human being.
g) “Sentient Creature” shall be animals that are able to feel, see, hear, smell, or taste excluding humans.

4. Animal Control Officer
The Town of Machias shall appoint one or more animal control officers in accordance with Title 7, M.R.S.A. Section 3947, as amended. Said animal control officers shall have all of the powers provided under this Ordinance and the laws of the State of Maine.

In addition to the regular duties of animal control officers delineated by state law and this Ordinance, the animal control officers are hereby authorized to enforce the provisions of any other law regarding animals and found in Title 7, Maine Revised Statutes, Chapters 719 (Uncontrolled Dogs), 720 (Rabies Prevention), 721 (Dog Licenses), 723 (Licenses for Kennels, Boarding Kennels, and Pet Shops), 727 (Dangerous Dogs), 729 (Damage by Dogs), 730 (Ferrets), 731 (Mistreatment of Animals), 733 (Transportation of Animals), 737 (Calf and Pig Scrambles), 729 (Cruelty to Animals), 741 (Animal Trespass), Enforcement of these additional provisions shall be according to state law and procedure.
5. **License and Registration Required**
   All animals kept, harbored or maintained by their owners in the Town of Machias, when so required by law, shall be licensed and registered in accordance with the appropriate laws of the State of Maine.

6. **Tag and Collar**
   All dogs shall be provided with a suitable collar to which the license tag shall be attached as required by appropriate State of Maine law.

7. **Running at Large Prohibited**
   No owner or keeper of any animal shall permit such animal to run at large at any time. This section shall not be construed however, to prevent the use of dogs for lawful hunting purposes or for the use of dogs or other animals on a farm for any lawful purposes.

8. **Public Nuisance**
   A. No owner or keeper of any dog or animal kept within the legal limits of the Town of Machias shall allow such dog or animal to unnecessarily annoy or disturb any person by continued or repeated barking, howling or other loud or unusual noises anytime day or night.

   B. No person shall allow any dog or animal owned by him/her or under his/her control to defecate upon a public street, road, sidewalk, park, or other public property within the Town of Machias, or upon private property (except for that property owned by the owner or keeper of the dog or animal) unless defecation is immediately bagged and removed and properly and adequately disposed of in a sanitary manner in a proper waste receptacle by said owner or keeper of the animal. This paragraph shall not apply to any dog trained for the purpose of aiding sight-impaired person and engaged in that function or to any person with a handicap who, by the reason of that handicap, is physically unable.

   C. No person shall publicly display an exotic animal.

9. **Penalties**
   Any person who violates any provision of this Ordinance commits a civil violation. The penalty for this violation is a fine of not less than $25.00 nor more than $250.00, plus the costs and expenses of prosecution including but not limited to all fees and expenses, and the salaries and wages of Town personnel involved in the investigating, preparing, and prosecution such violation, medical cost incurred by the designated shelter. All such fines, fees, costs, and expenses shall be paid to the Town of Machias.

   Each day of violation shall constitute a separate offense, each subject to the penalty set forth herein.

10. **Repealing Provision**
All previous Animal or Dog Control Ordinances in conflict with this ordinance are hereby repealed.

11. **Severability**

   Each of the provisions of this ordinance is severable, and if any provision shall be declared to be invalid the remaining provisions shall not be affected be they shall remain in full force and effect.

Date Adopted By Board Of Selectmen: *May 10, 2017*

Signature of Board Members:

[Signatures]

Date Adopted At Town Meeting: *6/14/17*
ORDINANCE

DUMPING OR DEPOSING AUTOMOBILE BODIES ON PUBLIC DUMPING GROUNDS - PROHIBITED

An ordinance of the Town of Machias, enacted at the Annual Town Meeting on March 23, 1964.

"No person by himself, his agents or employees, shall dump, discard or deposit upon any land within the Town of Machias used and designated as public dumping grounds any worn out, discarded or junked automobile or part thereof. The designation 'person' as used herein, shall include an individual, partnership, corporation and association within the meaning of this ordinance. Any person violating the provisions of this ordinance shall be punished by a fine of not more than $100.00."

Copied from Town Records
October, 1981

[Signature]
Town Clerk
ORDINANCE TO REGULATE AUTOMOBILE GRAVEYARDS, JUNKYARDS AND AUTOMOBILE RECYCLING BUSINESSES

Section 1. Purpose

The purpose of this ordinance is to provide adequate controls to ensure that automobile graveyards, junkyards and automobile recycling businesses do not have a deleterious impact on the public health, safety, and general welfare.

Section 2. Authority

This ordinance is enacted pursuant to 30-A M.R.S.A. s3001 et seq. and s3755 et seq.

Section 3. Applicability

This ordinance shall apply to all automobile graveyards, junkyards and automobile recycling businesses as defined in 30-A M.R.S.A. s3752 and as defined in Section 12 of this ordinance.

Section 4. Administration

4.1. This ordinance shall be administered by the municipal officers. No automobile graveyard, junkyard or automobile recycling business permit shall be issued unless the provisions of this ordinance are met.

4.2. Upon receipt of an application, the municipal officers shall hold a hearing in accordance with 30-A M.R.S.A. s3754.

4.3. Permits shall be renewed annually on January 1 to remain valid except that automobile recycling business permits shall be valid for 5 years. Once the site plan is approved it does not have to be resubmitted unless changes are made on the site. The municipal officers shall annually inspect, or cause to be inspected, the site to ensure compliance with this ordinance and state law. No permit may be granted for any automobile graveyard or junkyard established after October 1973, located within one hundred feet of a highway.

4.4. The municipal officers or county commissioners shall collect, in advance from the applicant for a permit, a fee in accordance with the following schedule:

Telephone: 255-6621; 255-8683
A. More than 100 feet from highway. Fifty dollars ($50) for each permit for an
automobile graveyard or junkyard located more than 100 feet from any highway, plus
the cost of posting and publishing the notice under Section 3754; and

B. Within 100 feet from highway. Two hundred dollars ($200) for each permit for an
automobile graveyard or junkyard located within 100 feet from any highway, plus the
cost of posting and publishing the notice under Section 3754.

C. Recycling business. Two hundred fifty dollars ($250) for a 5-year permit for an
automobile recycling business plus the cost of posting and publishing the notice under
Section 3754.

Section 5. Permit Required

No person may establish, operate or maintain an automobile graveyard, junkyard or automobile
recycling business without first obtaining a nontransferable permit from the municipal officers.

Section 6. Submission Requirements

Any application for an automobile graveyard, junkyard or automobile recycling business permit
shall contain the following information:

6.1. The property owner's name and address and the name and address of the person or entity
who will operate the site.

6.2. A site plan drawn to a scale not to exceed 1" - 100', on which is shown:

A. the boundary lines of the property
B. a description of the soils on the property
C. the location of any sand and gravel aquifer recharge area, as mapped by the
Maine Geological Survey or a licensed geologist
D. the location of any residences or schools within 500 feet of the area where
vehicles will be placed
E. the location of any waterbodies on the property of within 200 feet of the
property lines
F. the boundaries of the 100-year flood plain
G. the location of all roads within 1,000 feet of the site
Section 7. Performance Standards

The following performance standards are required of all automobile graveyards, junkyards and automobile recycling businesses, whether new or existing:

7.1. The site, if visible from any public or private way or adjoining property, must be enclosed by an appropriate visual screen at least 8 feet in height and built in accordance with Department of Transportation rules issued pursuant to 30-A M.R.S.A. s3759 and maintained in proper condition.

7.2. The storage of vehicles and scrap products shall comply with the town's shoreland zoning ordinance.

7.3. No vehicle shall be stored within 500 feet of any school, church or public playground or public park.

7.4. No vehicles shall be stored over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist.

7.5. No vehicles shall be stored within the 100-year flood plain.

7.6. Upon dismantling a motor vehicle, the battery shall be removed and the engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules and regulations regarding disposal of waste oil and hazardous materials. No discharge of any fluids from any motor vehicle shall be permitted into or onto the ground.

7.7. A vehicle may not be dismantled or stored within one hundred (100) feet of a well that serves as a public or private water supply, excluding a private well that serves only the automobile recycling business or the owner or operator's abutting residence.

7.8. There shall be no open burning of any substance.

7.9. There shall be no disposal or release to the environment of any solid, special or hazardous wastes.

7.10. Inspections will be made semi-annually by municipal officers or/and their agent of all permitted businesses. Inspections will be made during regular operating hours after contacting the operator. The municipal officers and/or their agent shall respond to all written complaints. See Section 4.3.
Section 8. Violation

8.1. Enforcement
The State Police as well as local and county law officers may enforce this subchapter. Municipal officers or their designee may also enforce this subchapter.

8.2. Penalties
Any violator of this ordinance shall pay to the town, upon its complaint, a civil penalty assessed by the District Court in the minimum amount of one hundred dollars ($100) and the maximum amount of twenty-five hundred dollars ($2,500). In addition, the town may request from the court an order that the violator correct or abate the violations, and that the violator pay its reasonable attorney fees, expert witness fees, and costs. Each day that the violation continues constitutes a separate offense.

The municipal officers are hereby authorized, in lieu of formal court action, to enter into a consent agreement with any violator which would provide for the correction or abatement of the violation and may provide for the payments specified above.

8.3. Revocation or Suspension of Permit
Violation of any condition, restriction or limitation inserted in a permit by the municipal officers or county commissioners is cause for revocation or suspension of the permit by the same authority that issued the permit. No permit may be revoked or suspended without a hearing and notice to the owner or operator of the automobile graveyard, recycling business or junkyard. Notice of hearing must be sent to the owner or operator by registered mail at least seven (7) but no more than fourteen (14) days before the hearing. The notice must state the time and place of hearing and contain a statement describing the alleged violation of any conditions, restrictions, or limitations inserted in the permit.

Section 9. Appeals

Any licensee, who has requested a permit and has been denied or whose permit has been revoked or suspended, may within thirty (30) days of the denial, suspension or revocation, appeal the decision to the municipal Board of Appeals as defined in Title 30A MRSA, Section 2691. The municipal Board of Appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare, or that the denial, revocation or suspension was not based by a preponderance of the evidence on a violation of any ordinance, article, bylaw, or rule or regulation of the municipality and/or was issued in an argumentative and capricious manner.

Section 10. Effective Date and Amendment

This ordinance shall become effective on the date of adoption and may be amended by vote of the legislative body.
Section 11. Severability and Conflict

In the event that any provision of this ordinance is ruled to be invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect. In the event that any provision of this ordinance conflicts with State statute, the State statute shall govern.

Section 12. Definitions

Automobile Graveyard: A yard, field, or other area used as a place of storage, other than temporary storage, by an establishment or place of business which engages primarily in doing auto body repair work or making repairs for the purpose of rendering a motor vehicle serviceable, for three (3) or more unserviceable, discarded, worn-out, unregistered, or junked motor vehicles - as defined in Title 29, section 1, subsection 7, or parts thereof.

Junk Yard: A yard, field, or other area used as a place of storage for:
   a) discarded, worn-out, or junked plumbing, heating supplies, household appliances, metal and furniture
   b) discarded, scrap or junked lumber
   c) old or scrap copper, brass, aluminum, rope, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous and non-ferrous material
   d) discarded vehicle tires

Recycling or recycling operations: the dismantling of motor vehicles for the purpose of reselling its component parts or rebuilding or repairing salvage vehicles for the purpose of resale or reselling the basic materials in the salvaged vehicles.

Highway: any/all state, county, town roads, including a private road which is a through road or any dead end road in which there are three (3) residents beyond the establishment seeking to be licensed (the establishment, in this case, will be required to provide visual screening). 

Street: any way which is used by the public which provides access to at least six (6) lots, or any way which crosses into an abutting town or territory.

Certified: 

Date: 6/10/97

Machias Board of Selectmen

Enacted at Town Meeting on June 24, 1997

Attest: 

Joline M. Hooper / Town Clerk
ARTICLE 5. To see if the Town will vote to establish a Budget Committee to be comprised of three (3) elected members as follows: initial election shall be for one member for a one year term, one member for a two year term, and one member for a three year term, thereafter the term of office shall be for a period of three years: and to charge said Budget Committee with the duty to: (1) oversee the financial affairs of the Town and its respective operating departments, (2) meet no less than six times annually with the Selectmen and Superintending School Committee for this purpose, (3) meet as deemed necessary to consult with the Town Manager and other appointed officers for this purpose, and (4) recommend specific budget amounts to be raised and/or appropriated, borrowed, or transferred by the voters, said recommendations to be part of each article in any meeting warrant containing questions on funding actions by the Town. (5) Amended to read - After the Phrase --- 'thereafter the term of office shall be for a period of three years,' the following wording shall replace that in the warrant: '.... and to require said Budget Committee to oversee the financial affairs of the town and its respective operating departments by (1) meeting no less than six times annually with the Selectmen and the Superintending School Committee for this purpose, (2) meeting as deemed necessary to consult with the Town Manager and other appointed officers for this purpose, and (3) recommending specific budget amounts to be raised and/or appropriated, borrowed, or transferred by the voters, said recommendations to be a part of each article in any meeting warrant containing questions on funding actions by the Town.'

2nd Amendment to read: After the phrase ----'thereafter the term of office shall be for a period of three years,' the word 'oversee' should be substituted with the word 'review' to read: and to require said Budget Committee of review the financial affairs -------------

5) Accepted as amended by voice vote
TOWN OF MACHIAS BUILDING PERMIT ORDINANCE
Enacted January 26, 1989
Amendments to Building Permit Ordinance – Enacted June 2, 1992

Purpose: New buildings, additions to existing buildings, conversions of existing buildings to other uses, and changed land use can have a significant effect on the cost, capacity, and efficiency of town services as well as the environment, aesthetics, and well-being of this town and its neighborhoods. Among other aspects, such buildings and changed land use can impact (either positively or adversely) property values of current residents and businesses, schools, water supply and sewers, recreational facilities, traffic, road and sidewalk repair, snow removal services, library facilities, and many other parts of the community we all share. Therefore, it is the purpose of this ordinance to avoid or mitigate any such negative impacts.

1. A building permit shall be required before the start of any work for the purpose of constructing, altering, or moving any building in the Town Of Machias. This permit requirement shall apply to reconstruction, expansion, replacement or rebuilding of existing structures, and to conversions of existing structures to another residential or business use.

2. “Building”, for the purpose of this ordinance, includes any structure having a roof (partly or wholly, including a mobile home) supported by columns or walls which is or will be used for people, animals, goods, or property of any kind.

3. Exempt from the provisions of this ordinance are doghouses, playhouses, tool sheds and similar storage buildings not greater than one story in height and not larger than 150 square feet in floor space. Also exempt is routine interior and exterior maintenance that includes minor remodeling of existing structures.

4. Application for a building permit shall be made to the Planning board on the “Application for a Building Permit” form available at the town office. The application shall be dated on the day received at the town office. The application requires the following:

A. A map and plan
   (1) A copy of the applicable town tax map showing the location of the building lot and vicinity
   (2) Evidence of ability to meet standards for connecting to the town water supply and sewage disposal system, or evidence of approved soil test that shows water can be properly supplied and sewage properly disposed of.
   (3) A site plan showing
       (a) size of lot in square feet and the dimensions of the lot in feet,
       (b) location of building on the lot and the distance from all property lines,
       (c) size of building in square feet and dimensions of building in feet and,
       (d) location of proposed water supply and sewage disposal facilities and systems.
B. Minimum standards

(1) The applicant shall show that the proposal complies with the minimum State and Federal standards in each of the following, which shall be the minimum requirements for approval of the application.

(a) Water: There is sufficient water available.
(b) Water Pollution: The proposal will not exceed current standards for water pollution.
(c) Sewage Disposal: The proposal shall meet current standards for sewage disposal and State licensing requirements.
(d) Air Pollution: The proposal will not exceed current standards for air pollution.
(e) Soil Erosion: The proposal will not exceed current standards for soil erosion.
(f) Noise: The proposal will not exceed current standards for noise pollution.
(g) Shore Land Zoning: The property and construction shall meet current State of Maine standards for shore land zoning, and as specified by the Town Of Machias Shore Land Zoning Ordinance.

(2) The applicant shall show that the proposal complies with the following local standards in each of the following, which shall be the minimum requirements for approval of the application.

(a) Surface Drainage: Adequate provision is made for surface drainage so that removal of surface water will not adversely affect any other properties.
(b) Exterior Lighting: There will be no strong distracting and annoying light or reflection of light beyond its lot lines onto neighboring properties.
(c) Access and Size: The building will be placed on a lot which is either on a town or private road or has deeded access. Lots on town or private roads will have a minimum of 100 feet of road frontage and 15,000 square feet of lot size.
(d) Setback and Height: All buildings shall have a 35 foot front yard setback, 15 foot side yard setbacks, and no building shall exceed 50 feet in height.
(e) Vehicular Access: The proposed site layout shall provide safe access to and from public and private roads.
(f) Parking: Adequate off street parking will be provided. This includes at least one and one half parking spaces per family occupancy or unit; (e.g. single family unit to have one and one half parking spaces; duplex unit to have three parking spaces, etc.).
(g) Waiver or Variance: Any request for a waiver or variance of minimum standards shall accompany the application and include all reasons why the applicant believes such exception should be granted. Applicants who request a waiver or variance must show written evidence that abutting property owners have been notified of the request for waiver prior to the meeting at which the Planning Board is scheduled to act.

C. Estimate of cost. The application shall include a cost estimate of the proposed work.

5. The Planning board may grant a waiver or variance of any of the above standards provided that:
A. The applicant has made a request on the original application.
B. The Board records in its minutes the reason(s) for granting a waiver or variance.
6. The Planning Board shall review the application and issue written notice of approval or denial within 35 days of receipt of a complete application by the Town Office. Approval shall be by issuance of a building permit. Building permit applications submitted through the 15th day of each month shall be listed in the Planning Board meeting agenda which is required to be advertised prior to the first meeting of the following month. Applications submitted after the 15th day of the month will be placed on the Board agenda for its meeting of the next succeeding month in order to comply with public notice advertising. The Planning Board may hold special meetings at its discretion to accommodate applicants wishing to meet seasonal building schedules providing that such special meeting is publicly advertised.

7. Failure of the Planning Board to issue written notice of its decision within 35 days from the date of receipt of the application shall constitute approval and issuance of a permit.

8. Construction shall commence within two years from date of issuance of the permit, otherwise the permit shall expire unless an extension is requested by the applicant and is granted by the Planning Board.

9. Any person who violates these regulations in the determination of the Municipal Code Enforcement Officer shall be punished by a fine of not less than $10.00 or no more than $100.00. Each day that a violation exists shall be considered a separate offense.

10. A fee of $20.00 shall be charged for each application up to $10,000.00 in cost of the proposed structure, then an additional $5.00 per $10,000.00 of cost above the first $10,000.00, payable to the Town Of Machias at the time an application is submitted to the Town Office.

11. If any section or provision of this ordinance is declared invalid by a court, such decision shall not Invalidate any other section or provision of this ordinance.

12. Effective date of this ordinance is January 26, 1989. Copies of this Ordinance and all amendments to it shall be filed with the Town Clerk and the Washington County Registrar of Deeds.
ARTICLE 31

On a motion by Susan Dorr, seconded by Aubrey Carter, the Town voted by voice vote to adopt Amendments to the Town Of Machias Building Permit Ordinance enacted January 26, 1989, as proposed by the Planning Board.

Amendments Adopted:

Add to Paragraph 4.B. (2), Subparagraph (g):
Applicants who request a waiver or variance must show written evidence that abutting property owners have been notified of the request for waiver prior to the meeting at which the Planning Board is scheduled to act.

Add to Paragraph 6 the following sentence:
Building permit applications submitted through the 15th day of each month shall be listed in the Planning Board meeting agenda which is required to be advertised prior to the first meeting of the following month. Applications submitted after the 15th day of the month will be placed on the Board agenda for its meeting of the next succeeding month in order to comply with public notice advertising. The Planning Board may hold special meetings at its discretion to accommodate applicants wishing to meet seasonal building schedules providing that such special meeting is publicly advertised.

Insert phrase in Paragraph 9:
Any person who violates these regulations in the determination of the Municipal code Enforcement Officer, shall......

Paragraph 10 is replaced with the following:
A fee of $20.00 shall be charged for each application up to $10,000.00 in cost of the proposed structure, then an additional $5.00 per $10,000.00 of cost above the first $10,000.00, payable to the Town Of Machias at the time an application is submitted to the Town Office.
Amendments to Building Permit Ordinance – Enacted June 2, 1992
ORDINANCES

By-Laws of the Town of Machias, enacted at a Special Town Meeting on June 28, 1956.

Article 2, Section I. No person shall place or leave any incumbrance within the limits of any street or highway, or obstruct any street crossing or leave or deposit any filth, offal, dead animals or any injurious or offensive thing in any street or highway, or upon any wharf, beach or bridge or any place in the Town, under a penalty of not exceeding five dollars and costs. Provided, that the Selectmen may grant permits in writing (setting forth the nature of the contemplated obstruction and the length of time said permit is asked for, and agreeing to repair and pay for any damage or injury occasioned to any person or the Town by reason of said permit) for occupying necessary space in any street or highway for material for building or repairing buildings or for the moving of any buildings or other structure through any street or highway; or for necessary digging in any street or highway, or for removing any sidewalk, fence or other structure. The violation of this Section during each day shall constitute a separate offense.

Article 2, Section III. No person shall ride upon bicycles or other vehicle upon the sidewalks: (under a penalty of not exceeding five dollars and costs).

Article 2, Section IV. If any person shall wantonly or maliciously pull down, mar, deface, or destroy any sign-board, plate or any written or printed advertisement, notice or other matter lawfully posted up in any public place, such person shall be fined five dollars and costs.

Article 2, Section V. Any person who shall make any tumultuous or alarming noise in or upon any street or highway, or in any other place to the disturbance of any of the inhabitants by day or by night (except in case of fire) shall forfeit and pay a fine of five dollars and costs.

Article 2, Section VI. All persons are forbidden from casting boughs, hay, ashes, garbage, or other refuse material into the streets or upon the sidewalks, wharves, bridges, and any refuse material so left, after six hours notice by any officer (exclusive of Sunday or night) may be removed by the officer at the expense of the violator, to be recovered in any action or debt or special assumpsit. Said violator shall be subjected to a fine of five dollars and costs. All persons carrying or depositing dump, refuse, or rubbish in any vehicle or other conveyance shall cover or cause to be covered all such dump, refuse or rubbish with a means which shall prevent the same from being deposited upon any part of the Town limits. All persons who will be found violating the provisions of this By-Law shall be punished by a fine of not less than five dollars and not more than fifty dollars.

Article 2, Section IX. No person shall maltreat or in any way harass any intoxicated, infirm, aged or other person; nor illtreat or injure any animal whether belonging to him or not, under a penalty of five dollars and costs.

Article 2, Section X. No person shall in any way, wilfully injure, deface, disfigure or destroy any sidewalk, bridge, fence, trough, post, building or other structure, the property of the Town, nor shall remove
any such sidewalk, bridge, fence, trough, post, building or other structure
either temporary or permanent, nor dig or excavate any hole, trench, or
ditch, in any street or highway without first obtaining the permit
required in Section One. No person shall ring without authority (excepting
to give an alarm of fire) the Town bell located in the Congregational
Church belfry, or any other bell belonging to the Town, nor remove
any ladder, hook, hose, engine wagon, or other appliances used by the
fire department, without the written consent of the Chief and one other
fire warden.

Any person violating any of the provisions of the Section shall pay a
fire of not exceeding five dollars and costs, and the violation thereof
during each day shall constitute a separate offense.

Article 2, Section XI. No person shall discharge a gun, revolver, or
other firearm, nor set off any cracker, torpedo, rocket or fireworks
in any public place in the Town including the Town dump (except at
such times and places as shall be designated in writing by the Selectmen;
and notice thereof published once in a newspaper, printed in the Town).
No person shall explode any gunpowder, dynamite or other explosive
without first obtaining the consent in writing of the Selectmen.
Violators hereof shall be subjected to a fine of not exceeding five
dollars and costs.

Article 2, Section XII. No person driving or in charge of an automobile
or motor vehicle on any street or highway shall drive or cause the same
to be driven at any speed greater than is reasonable and proper, having
regard to the traffic and use of the way by others, or so as to endanger
the life, limb, or property of any person; and racing on any such way
in any such vehicle is hereby forbidden. Whoever violates the provisions
of this Section shall pay a fine of five dollars and costs.
ARTICLE 8

A portion of the By-Laws as accepted at a Special Town Meeting
June 23, 1956.

Article 8.

Section I. All violations of any of these By-Laws shall be punished by
prosecution before any trial justice or Municipal Court in the County of
Washington having jurisdiction thereof upon complaint made by any officer
or citizen of the Town or enforced by an action of debt or special
assumpsit, before any court of competent jurisdiction in said County,
brought by the Selectmen in the name and for the benefit of the Inhabit­
tants of Machias.

Section II. Any trial justice or any Municipal Court in said County of
Washington having jurisdiction shall have power to fix the fines,
penalties and forfeitures according to the provisions of these By-Laws
and give judgment in said actions of debt or special assumpsit as provided
therein. At the close of each municipal year said magistrates shall
render to the Town an account of all fines, penalties, and forfeitures
collected and of all expenses incurred by them in the prosecution and
enforcement of said By-Laws.

Section III. Any Trial Justice or any Municipal Court in said County of
Washington having jurisdiction, shall have cognizance of any complaint
arising under these By-Laws, or any violation of them or any legal
proceedings arising thereunder and the prosecution of any of them and the
costs of collection of said fines, penalties and forfeitures shall be
a proper charge against the Town and shall be paid out of the treasury
thereon.

Section IV. Copies of these By-Laws, printed by authority of the Town
and bearing the certificate of the Town Clerk and the approval of a
Justice of the Superior Court shall be held to be sufficient proof of
the fact of the existence thereof, in all trials and suits for the
enforcement of any of said By-Laws.

Section V. These By-Laws shall take effect after having been approved
by a Justice of the Superior Court and after they have been published
for three weeks successively in a newspaper printed in the Town and
copies thereof attested by the town clerk have been posted in three
public places in the Town.

Section VI. All By-Laws heretofore enacted and amendments thereto,
not consistent with this By-Law are hereby repealed.

Section VII. These By-Laws may be amended, rescinded or enlarged at
any legal meeting of the Town by a majority vote of those present and
voting, providing notice of the proposed action is fully stated in the
call of said meeting.

Copied from Town Records
October, 1931

[Signature]
Town Clerk
E-911 ADDRESSING ORDINANCE

Section 1. Purpose

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

Section 2. Authority

This ordinance is adopted pursuant to and consistent with the municipal home rule powers as provided for in Article VII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S.A. Section 3001.

Section 3. Administration

This ordinance shall be administered by the Planning Board, which is authorized to and shall assign road names and numbers to all properties, both on existing roads, in accordance with the criteria in Sections 4 and 5. The Planning Board shall also be responsible for maintaining the following official records of this ordinance at the town office which will be available by request:

a. An Machias map for official use showing road names and numbers.

b. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers.

c. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

Section 4. Naming System

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

The following criteria shall govern the naming system:

a. No two roads shall be given the same name (e.g. no Pine Road and Pine Lane).
b. No two roads should have similar-sounding names (e.g. Beech Street and Peach Street,).

c. Each road shall have the same name throughout its entire length.

Section 5. Numbering System

Numbers in non-established areas shall be assigned every 100 (one hundred) feet along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, determined by the number origin.

The following criteria shall govern the numbering system:

a. All number origins shall begin from the designated center of Machias or that end of the road closest to the designated center. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.

b. The number assigned to each structure shall be that of the numbered interval falling closest to the front door or the driveway of said structure if the front door cannot be seen from the main road.

c. Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy. (i.e. duplexes will have two separate numbers; apartments will have one road number with an apartment number, such as 235 Maple Street, Apt 2).

Section 6. Compliance

All owners of structures shall, by the date stipulated in Section 8, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

a. Number on the Structure or Residence

Where the residence or structure is within 50 (fifty) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence or structure in the vicinity of the front door or entry.

b. Number at the Street Line

Where the residence or structure is over 50 (fifty) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box, or on some structure at the property line adjacent to the walk or access drive to the residence or structure.
c. Size and Color of Number

Numbers shall be displayed, in a clear and conspicuous manner, in a color and size approved for use by the Planning Board and shall be located as to be visible from the road.

d. Conflicting Numbers

Every person whose duty is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this ordinance.

e. Interior location

All residents and other occupants are requested to post the assigned number and road name adjacent to their telephone for emergency reference.

Section 7. New Developments and Subdivisions

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

a. New Construction

Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from the Planning Board. This shall be done at the time of the issuance of the building permit.

b. New Subdivisions

Any prospective subdivider shall show a proposed road name and lot numbering system of the pre-application submission to the Planning Board. Approval by the Planning Board, after consultation with the Board of Selectmen, shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every 100 (one hundred) feet so as to aid in assignment of numbers to structures subsequently constructed.

Section 8. Effective Date

This ordinance shall become effective upon approval by the town's legislative body. It shall be the duty of the Board of Selectmen to notify by mail each property owner and the Post Office of their new address at least 30 (thirty) days prior to the effective date of its use. It shall be the duty of each property owner to comply with this ordinance, including the posting of new property numbers, within 30 (thirty) days following notification. On new structures, this authority is delegated to the Planning Board who will ensure that numbering is installed prior to final inspection or when the structure is first used or occupied, whichever comes first.
Section 9. Enforcement

The Board of Selectmen is responsible for enforcing the provisions of this ordinance which may be delegated to the Code Enforcement Officer. Failure to follow the requirements of this ordinance may result in penalties of up to $25 for each occurrence. Each day that the violation continues constitutes a separate offense.

Certified: 

[Signatures]

Date: 6/10/97

Enacted at Town Meeting on June 24, 1997

Attest:

[Signatures]

Joline M. Hooper - Town Clerk
E-911 Sign Policy

The Town of Machias has adopted the E-911 addressing system. As a part of that adoption, the town has ordered and installed signs identifying the streets and roads in town.

Residents who would like to re-name their road/street will be subject to the following:

1. Contact the Town Office for inclusion on the Planning Board agenda for the next meeting. Following approval by the Planning Board:
2. Call the Addressing Officer or his designee to request the change. All changes will be accepted pending correctness and whether the name is dis-similar (sounds like) to another location in Machias. This similarity could affect emergency services' understanding a dispatcher should a call be made.
3. Payment for the new street sign must be made in advance. Signs are $50.00 each. Signposts are $25.00.
4. The Public Works Department will install the sign.

This policy does not affect streets/roads that are new to the E-911 system. Each road will initially be identified with a sign and signpost. This policy will only pertain to residents want to change the name of a street/road.
The undersigned, members of the Machias Board of Selectmen, do hereby implement the attached **ElliAddressing Ordinance**, approved at a regular Board of Selectmen's meeting on **September 10, 2008**.

Aubrey V. Carter, Chairman
Leslie Haynes
Stephen Smith

Warren Gay, Vice-Chairman
Norman Nelson

Witness to the signatures: [Signature]

Town Manager
ORDINANCE

RELATIVE TO THE USE OF FIRE APPARATUS OUTSIDE THE TOWN OF MACHIAS

An ordinance of the Town of Machias, enacted at the Annual Town Meeting on March 23, 1970.

"The Fire Chief, or his duly authorized representative, of the Municipal Fire Department of the Town of Machias, upon request for aid from a duly authorized representative of a municipal or incorporated volunteer fire department of another municipality, within or without the State, is hereby authorized to send to such other municipal or incorporated volunteer fire department, such equipment and/or personnel belonging to the said Municipal Fire Department for the Town of Machias, as he shall deem feasible for the purpose of rendering aid in extinguishing a fire within such other municipality.

The Commissioner of the Town of Machias are hereby authorized to execute an agreement for and in behalf of the Inhabitants of the Town of Machias with any other municipality or municipalities enacting a similar ordinance agreeing to provide such aid upon request to a municipal or incorporated volunteer fire department of such other municipality or municipalities."

Copied from Town Records
October, 1981

[Signature]
Town Clerk
An ordinance of the Town of Machias, enacted at the Annual Town Meeting on March 27, 1972.

Section I. A fire department is hereby established to consist of a Chief Engineer and as many assistants and such other officials as the Town Manager, subject to the confirmation of the Board of Selectmen, may deem necessary. After the Annual Town Meeting and prior to the 1st day of April in each year, the Town Manager, subject to confirmation by the Board of Selectmen, shall appoint the Chief Engineer and the Chief Engineer shall appoint his assistants and other officers and shall organize the department as herein prescribed. The appointment of the Chief Engineer and his assistants shall be made in writing and recorded by the Town Clerk and they shall continue until the new organization is completed.

Section II. The Chief Engineer shall make and enforce rules and regulations for the government, discipline, and good order of the department and shall have full control of all officers and members while on duty, and of all equipment and apparatus. He shall have the power to call meetings for drill or other purposes as he deems necessary or expedient and shall preside at such meetings. He shall employ a suitable person.

Section III. It shall be the duty of the Chief Engineer frequently to examine all the apparatus and equipment of the department and everything connected therewith and to see to it that everything is constantly in perfect working order and suitable for the purpose for which it is designated. Immediately upon his discovery of any defect which he is unable to repair, he shall forthwith in writing notify the Town Manager of such defect and make recommendations as to remedying the same. It shall be his duty and that of his assistants to acquaint themselves with the location, character, construction and peculiar condition of the buildings in the town in order to better know the proper steps to be taken in case of fire.

Section IV. The assistant engineer shall render all possible aid to the Chief in the performance of his duties, and in his absence at a fire or other meeting, the ranking assistant shall exercise the power and discharge the duties of the Chief Engineer.

Section V. The Town Manager shall be charged with the duty of immediately causing to be made all necessary repairs to the apparatus and equipment when written report of any defect is made to him by the Chief Engineer.

Section VI. Said department shall hold at least one meeting in each month of the year.

Section VII. Upon any alarm of fire, the officers and members of the several companies shall forthwith repair to their respective apparatus and in a speedy and orderly manner convey the same to the fire or place of danger, and, under the direction of the Chief Engineer, or one or more of his assistants, exert themselves in a faithful manner and perform all service that may be required of them by their superior officers, to
extinguish the fire and protect life and property exposed to it, and shall remain on duty until discharged by appropriate authority. The Chief Engineer and his associates shall be invested with all the power and authority conferred upon fire wards by the Statutes of the State.

Section VIII. Any member who shall, while on active duty, neglect or refuse to perform the same, be guilty of disobedience, become intoxicated or behave in a disorderly manner, shall be suspended by the officer in charge, and on complaint to the Chief Engineer, be suspended or dismissed, if in his judgment such suspension or dismissal is for the best interest of the service.

Section IX. The members of the Machias Fire Department shall in the month of April elect not less than ten men to act as Fire Police. The said men thus elected shall be appointed by the Municipal Officers as Town Policemen. Provided, however, that the said Fire Police shall have authority to act as Police only during the progress of a fire, or fires, or any other official activity of the Fire Department.

Section X. When acting pursuant to their duty, the Fire Police shall have the full authority of a Town Police Officer.

Section XI. It shall be unlawful for any person to pass any fire line or obstruction laid down during the progress of any fire by the Fire Police. It shall be unlawful for any person to disobey any order concerning the control and direction of traffic or pedestrians made by the Fire Police. It shall be unlawful to obstruct any Fire Policeman in the lawful exercise of his duty as Fire Police. Any person convicted of the violation of any provision of this section shall be punished by a fine of not less than Twenty-Five Dollars ($25.00) and not more than One Hundred Dollars ($100.00).

Section XII. No intoxicating liquors of any kind, nor gambling, shall be allowed in or about any building under the control of the Chief Engineer.

Section XIII. The Chief Engineer and all other officers and members of the Fire Department shall receive such compensation as shall be fixed by the Town Manager, subject to consent and approval by the Board of Selectmen. The Chief Engineer shall audit all bills and forward the same to the Town Manager for payment.

Section XIV. All other ordinances, by-laws or regulations that are in conflict with any of the provisions contained herein are hereby repealed.

Copied from Town Records
October, 1981

[Signature]
Town Clerk
To see if the Town will vote to amend the Flood Hazard Building Permit System and Review Procedure adopted by the Town vote on March 24, 1975; to include the following changes and amendments.

(Italics indicate proposed changes:)

TOWN OF MACHIAS

REVISION OF ORDINANCE RELATING TO FLOOD HAZARD BUILDING PERMIT SYSTEM AND REVIEW PROCEDURE

WHEREAS, the Town of Machias elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-448 as amended):

WHEREAS, The National Flood Insurance Program established in the aforesaid Act provides that Flood Boundary maps shall be provided by the Federal Insurance Administration identifying those areas of the Town in the flood plain having a special flood hazard.

1. Permit. Before construction, relocation, replacement, or substantial enlargement or modification of any building, including prefabricated and mobile homes has commenced in the special flood hazard area designated on the maps prepared in accordance with the National Flood Insurance Act of 1968, as amended, the owner or lessee, or the architect, engineer, contractor or builder employed by such owner or lessee shall obtain from the Planning Board a permit covering such proposed work.

2. Application. The application for a permit shall be submitted in writing to the Planning Board and shall include:

A. the name and address of applicant,
B. an address or a map indicating the location of the construction site,
C. a site plan showing location of existing and proposed structure(s) sewage disposal facilities, water supply, areas to be cut and filled and lot dimensions,
D. a statement of intended use of the proposed structure(s),
E. a statement as to the type of sewage system proposed,
F. specifications of dimensions of the proposed structure(s) length, width and height),
G. the elevation (in relation to ground and mean sea level) of the lowest floor, including basement, and if the lowest floor is below grade on one or more sides, the elevation of the floor immediately above, and
H. a copy of the plans and specifications of the proposed construction. This requirement may be modified by decision of the Planning Board when in their opinion such information is or is not needed to determine the conformance of the proposed construction with this ordinance.

3. Fee. A permit fee of $10.00 (ten dollars) shall be paid to the town clerk (for compensation of the Planning Board) with a copy of the receipt to accompany the application.

4. Review of Building Permit Application. The Planning Board shall:

A. Review all aforesaid building permit applications to determine whether proposed building sites will be reasonably safe from flooding. Any construction, relocation, replacement or substantial enlargement or modification of any building, including prefabricated and mobile homes upon building sites, located in Zone A of the Flood Hazard Boundary Map must

   1) Be designed or modified and anchored to prevent flotation, collapse or lateral movement of the structure,
2) use construction material and utility equipment that are resistant to flood damage,
3) use construction methods and practices that will minimize flood damage, and
4) In case of mobile homes, be anchored to resist flotation, collapse or lateral movement by:
   a. over-the-top ties anchored to the ground at the four corners of the mobile home plus two additional ties per side at intermediate points, (except that mobile home less than 50 feet long require only one additional tie per side)
   b. frame ties at each corner of the home, plus five additional ties along each side at intermediate points (except that mobile home less than 50 feet long require only four additional ties per side),
   c. all components of the anchoring system shall be capable of carrying a force of 4800 pounds, and
   d. any additions to the mobile home be similarly anchored.

B. Obtain, review and reasonably utilize any base flood elevation data available from a Federal, State or other source, until such other data has been provided by the Federal Insurance Administration, as a criteria for requiring that all new construction and substantial improvements meet the following standards:
   1) that residential structures have the lowest floor (including basement) elevated one foot above the base flood level, and
   2) that non-residential structures have the lowest floor (including basement) elevated or flood proofed one foot above the base flood level.

C. Notify, in riverine situations, adjacent communities and the State Bureau of Civil Emergency Preparedness prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administration, to assure that flood-carrying capacity is maintained within the altered or relocated portion of the watercourse.

5. Review of Subdivision Proposals. The Planning Board shall, when receiving subdivisions under 30 M.R.S.A. § 4956, 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, elevated, and constructed to minimize or eliminate flood damages,
   C. adequate drainage is provided so as to reduce exposure to flood hazards, and,
   D. in the case of subdivisions or other developments greater than 50 lots or five acres (whichever is the lesser), that all proposals include base flood elevation data.

6. Mobile Home Subdivisions or Mobile Home Parks. In the case of mobile home subdivisions or mobile home parks, located in Zone A of the Flood Hazard Boundary Map, an evacuation plan shall be filed with the Town Civil Emergency Preparedness Office, indicating alternative vehicular access and escape routes.

7. Plumbing: The plumbing Inspector shall require new or replacement water supply systems and sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.
8. Regulations. The Planning Board may adopt any reasonable regulations, after public hearing, that are consistent with and in furtherance of the objectives of section 4, 5, 6, and 7 above, that they deem necessary for the proper enforcement of said sections and which are consistent with State law.

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

a. the strict application of the terms of this Ordinance would result in undue hardship to the applicant or would not be in the best interest of the community, and
b. the hardship is not the result of action taken by the applicant or a prior owner in violation of this Ordinance.

10. 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 the Ordinance. Such hearings shall be held in accordance with State laws.

11. Enforcement. It shall be the duty of the Planning Board to enforce the provisions of this Ordinance. If the Planning Board finds that any provisions of this Ordinance is being violated, he shall notify in writing the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it.

When the above action does not result in the correction or abatement of the violation, the Municipal Officers, upon notice from the Planning Board are hereby authorized and directed to institute any and all actions, whether legal or equitable, necessary to the enforcement of this Ordinance. Any person who continues to violate any provision of this Ordinance after receiving notice of such violation shall be guilty of a misdemeanor subject to a fine of up to $100.00 for each violation. Each day such a violation is continued is a separate offense.

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

13. Conflict with Other Ordinances. This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rules, regulation, by-law, 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.

14. Effective Date. The effective date of this Ordinance is the date of adoption by town vote except that Section 4(A)(4) shall not be applicable and made a requirement hereby until June 1, 1977. A certified copy of this Ordinance shall be filed with the County Register of Deeds, according to the requirements of State law.

DATE PASSED ____________________ Attest True ____________________
Copy ____________________ Town Clerk ____________________
(Town Seal)

-----------------------------
FLOODPLAIN MANAGEMENT ORDINANCE

FOR THE

TOWN OF MACHIAS, MAINE

ENACTED: 6/1/17

EFFECTIVE: 6/1/17

CERTIFIED BY: [Signature]

CERTIFIED BY: [Print Name]

Title: Town Clerk

60.3(e)
Prepared 1/12/17 by DACF/JP
# FLOODPLAIN MANAGEMENT ORDINANCE

## CONTENTS

<table>
<thead>
<tr>
<th>ARTICLE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. PURPOSE AND ESTABLISHMENT</td>
<td>2</td>
</tr>
<tr>
<td>II. PERMIT REQUIRED</td>
<td>2</td>
</tr>
<tr>
<td>III. APPLICATION FOR PERMIT</td>
<td>2</td>
</tr>
<tr>
<td>IV. APPLICATION FEE AND EXPERT'S FEE</td>
<td>4</td>
</tr>
<tr>
<td>V. REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS</td>
<td>4</td>
</tr>
<tr>
<td>VI. DEVELOPMENT STANDARDS</td>
<td>6</td>
</tr>
<tr>
<td>VII. CONDITIONAL USE REVIEW</td>
<td>13</td>
</tr>
<tr>
<td>VIII. CERTIFICATE OF COMPLIANCE</td>
<td>14</td>
</tr>
<tr>
<td>IX. REVIEW OF SUBDIVISIONS AND DEVELOPMENT PROPOSALS</td>
<td>14</td>
</tr>
<tr>
<td>X. APPEALS AND VARIANCES</td>
<td>15</td>
</tr>
<tr>
<td>XI. ENFORCEMENT AND PENALTIES</td>
<td>17</td>
</tr>
<tr>
<td>XII. VALIDITY AND SEVERABILITY</td>
<td>18</td>
</tr>
<tr>
<td>XIII. CONFLICT WITH OTHER ORDINANCES</td>
<td>18</td>
</tr>
<tr>
<td>XIV. DEFINITIONS</td>
<td>18</td>
</tr>
<tr>
<td>XV. ABROGATION</td>
<td>23</td>
</tr>
</tbody>
</table>

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

Certain areas of the Town of Machias, 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 Machias, 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 Machias, 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 Machias 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 Machias 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 Machias, Maine.


ARTICLE II - PERMIT REQUIRED

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

ARTICLE III - APPLICATION FOR PERMIT

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

A. The name, 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 and VE from data contained in the "Flood Insurance Study - Washington 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.; or,

   (2) in the absence of all data described in Article III.H.1.b.(1), information to demonstrate that the structure shall meet the elevation requirement in Article VI.F.2.b, Article VI.G.2.b. or Article VI.H.2.b.

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 for all minor development and $50 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, Planning Board, and/or the Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Planning Board 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 - Washington County, Maine," as described in Article I;

2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Planning Board shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.(1); 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.(1), 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 an 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.1., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

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

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

ARTICLE VI - DEVELOPMENT STANDARDS

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

A. All Development - All development shall:

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. use construction materials that are resistant to flood damage;

3. use construction methods and practices that will minimize flood damage; and

4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during flooding conditions.

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

C. Sanitary Sewage Systems - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

D. On Site Waste Disposal Systems – On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

F. **Residential** - New construction or substantial improvement of any residential structure located within:

1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.

2. Zone A shall have the lowest floor (including basement) elevated:
   a. to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; or Article IX.D., or;
   b. in the absence of all data described in Article VI.F.2.a., to at least two feet above the highest adjacent grade to the structure.

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

G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:

1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
   a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
   b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
   c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.

2. Zone A shall have the lowest floor (including basement) elevated:
   a. to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; or Article IX.D., or;
b. in the absence of all data described in Article VI.G.2.a., to at least two feet above the highest adjacent grade to the structure; or,

c. together with attendant utility and sanitary facilities, be floodproofed to one foot above the elevation established in Article VI.G.2.a. or b., and meet the floodproofing standards of Article VI.G.1.a., b., and c.

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

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

1. Zone AE shall:
   a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
   b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
   c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
      (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
      (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
      (3) All components of the anchoring system described in Article VI.H.1.c.(1) & (2) shall be capable of carrying a force of 4800 pounds.

2. Zone 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.(1); Article V.B.; Article IX.D.; or
   b. in the absence of all data described in Article VI.H.2.a., to at least two feet above the highest adjacent grade to the structure; and
   c. meet the anchoring requirements of Article VI.H.1.c.
3. 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 and AE, shall be exempt from the elevation criteria required in Article VI.F. & G. above, if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:

1. have unfinished interiors and not be used for human habitation;

2. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;

3. be located outside the floodway;

4. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,

5. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. **Floodways** -

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

2. In Zones AE 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 and AE 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, 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.

O. **Wharves, Piers and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A, AE, 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 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 Machias 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 Planning Board a report of all variance actions, including justification for the granting of the variance and an authorization for the Planning Board to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

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

ARTICLE XI - ENFORCEMENT AND PENALTIES

A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.

B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.

C. In addition to other actions, the Code Enforcement Officer may, upon identifying a violation, submit a declaration to the Administrator of the Federal Insurance Administration requesting a flood insurance denial. The valid declaration shall consist of;

1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;

4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,

5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

**ARTICLE XII - VALIDITY AND SEVERABILITY**

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

**ARTICLE XIII - CONFLICT WITH OTHER ORDINANCES**

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

**ARTICLE XIV - DEFINITIONS**

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

**Accessory Structure** - means a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

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

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

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

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

b. is required for purchasing flood insurance.

Flood or Flooding

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

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

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

Flood Insurance Study - see Flood Elevation Study.

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

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

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

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

Floodway - see Regulatory Floodway.

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

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

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

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
   1. By an approved state program as determined by the Secretary of the Interior, or
   2. Directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

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

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

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

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

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

**Recreational Vehicle** - a vehicle that is:

a. built on a single chassis;

b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;

c. designed to be self-propelled or permanently towable by a motor vehicle; and

d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory Floodway** -

a. the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and

b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

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

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

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

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

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

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

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the Board of Appeals.

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

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

**ARTICLE XV - ABROGATION**

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

60.3 (e) Rev. 01/17
Prepared by DACF/JP
Town of Machias
Town Office
7 Court Street, Suite #1
P. O. Box 418
Machias, ME 04654

The Board of Selectmen certify that the attached is the official 2017 Floodplain Management Ordinance to be presented to the voters of the Town of Machias:

5/10/2017

5/10/2017

5/10/2017

5/10/2017

5/10/2017

Telephone: (207)-255-6621  Fax: (207) 255-6492  E-Mail: townmanager@machiasme.org
Visit our website at machiasme.org
“Town of Machias is an equal opportunity/affirmative action employer.”
GUIDELINES FOR TOWN LICENSING
AUTHORITY FOR LICENSES FOR HIRE

1. Issuance of Licenses

All applications for licenses for vehicles for hire shall be issued by the town licensing authority only after a completed formal application therefor has been made to the licensing authority, a copy of which is attached hereto. No license shall issue unless the licensing authority first makes a finding that it would be in the best interest of the inhabitants of the Town of Machias that the license should issue. In considering this ruling, the licensing authority shall consider, but not be limited to, the following:

A. The number of licenses and extent and availability of services then outstanding and the harmful effects on the community, if any, by an increase in the number of licenses and services.

B. All evidence made available as to the character and reliability of the applicant.

C. All evidence made available as to the suitability of services proposed by the applicant.

2. LICENSE FEES

The initial fee for a license for a vehicle for hire shall be $50.00 per year. Said license shall be in effect until suspended, revoked by the licensing authority or abandoned by the license holder. There shall be a renewal fee of $50.00 per calendar year payable on the expiration date of current license. Failure to pay the renewal fee when due shall be grounds for revocation of license at the discretion of the licensing authority.

3. Rates of Fare

The rates of fare are to be established, discontinued or changed at the discretion of the town licensing authority.
Subject, however, to the following requirement: That when established they must be uniform and applicable to all vehicles of a license class.

4. Taxi Stands

Taxi stands are to be established, discontinued or changed at the discretion of the town licensing authority.

5. Insurance Prerequisites

Insurance prerequisites are to be established, discontinued or changed at the discretion of the town licensing authority.

6. Suspension or Revocation of Licenses

The license of any operator or owner of a vehicle for hire may be suspended or revoked by the town licensing authority, but unless otherwise specifically provided in these guidelines, only after the operator or holder of the license has had an opportunity for a hearing before the town licensing authority and then only for a violation of existing regulations or for other just cause.

7. Right of Appeal

Any holder or applicant for a license for a vehicle for hire who is aggrieved by a rule or a decision of the town licensing authority for vehicles for hire, may appeal to the Board of Selectmen to have the ruling or decision set aside; provided, however, that such aggrieved party serves notice of his decision to appeal in writing on the town licensing authority within fifteen (15) days after notice of the decision.

8. Town Licensing Authority

The holder of the office of town manager for the town of Machias is hereby appointed as the town licensing authority with sole power and authority for carrying out every duty and responsibility of said licensing authority.

Copied from Town Records
October, 1981

[Signature]
Town Clerk
Machias Local Food and Community Self-Governance Ordinance

AN ORDINANCE TO PROTECT THE HEALTH AND INTEGRITY OF THE LOCAL FOOD SYSTEM IN THE TOWN OF MACHIAS, WASHINGTON COUNTY, MAINE.

Section 1. Name. This Ordinance shall be known and may be cited as the “Local Food and Community Self-Governance Ordinance.”

Section 2. Definitions.
As used in this ordinance:
(a) “Patron” means an individual who is the last person to purchase any product or preparation directly from a processor or producer and who does not resell the product or preparation.

(b) “Home consumption” means consumed within a private home.

(c) “Local Foods” means any food or food product that is grown, produced, or processed in Maine by individuals who sell directly to their patrons through farm-based sales or buying clubs, at farmers markets, roadside stands, fundraisers or at community social events.

(d) “Processor” means any individual who processes or prepares products of the soil or animals for food or drink.

(e) “Producer” means any farmer or gardener who grows any plant or animal for food or drink.

(f) “Community social event” means an event where people gather as part of a community for the benefit of those gathering, or for the community, including but not limited to a church or religious social, school event, potluck, neighborhood gathering, library meeting, traveling food sale, fundraiser, craft fair, farmers market and other public events.

Section 3. Preamble and Purpose. We the People of the Town of Machias, Washington County, Maine have the right to produce, process, sell, purchase and consume local foods thus promoting self-reliance, the preservation of family farms, and local food traditions. We recognize that family farms, sustainable agricultural practices, and food processing by individuals, families and non-corporate entities offers stability to our rural way of life by enhancing the economic, environmental and social wealth of our community. As such, our right to a local food system requires us to assert our inherent right to self-government. We recognize the authority to protect that right as belonging to the Town of Machias.

We have faith in our citizens’ ability to educate themselves and make informed decisions. We hold that federal and state regulations impede local food production and restricts of our citizens’ right to foods of their choice. We support food that fundamentally respects human dignity and health, nourishes individuals and the community, and sustains producers, processors and the environment. We are therefore duty bound under the Constitution of the State of Maine to protect and promote unimpeded access to local foods.
Machias Local Food and Community Self-Governance Ordinance

The purpose of the Local Food and Community Self-Governance Ordinance is to:

(i) Provide citizens with unimpeded access to local food;
(ii) Enhance the local economy by promoting the production and purchase of local agricultural products;
(iii) Protect access to farmers’ markets, roadside stands, farm based sales and direct producer to patron sales;
(iv) Support the economic viability of local food producers and processors;
(v) Preserve community social events where local foods are served or sold;
(vi) Preserve local knowledge and traditional food ways.

Section 4. Authority. This Ordinance is adopted and enacted pursuant to the inherent, inalienable, and fundamental right of the citizens of the Town of Machias to self-government, and under the authority recognized as belonging to the people of the Town by all relevant state and federal laws including, but not limited to the following:

The Declaration of Independence of the United States of America, which declares that governments are instituted to secure peoples’ rights, and that government derives its just powers from the consent of the governed.

Article I, § 2 of the Maine Constitution, which declares: “all power is inherent in the people; all free governments are founded in their authority and instituted for their benefit, [and that] they have therefore an unalienable and indefensible right to institute government and to alter, reform, or totally change the same when their safety and happiness require it.”

§3001 of Title 30-A of the Maine Revised Statutes, which grants municipalities all powers necessary to protect the health, safety, and welfare of the residents of the Town of Machias.

§211 of Title 7 of the Maine Revised Statutes which states: “it is the policy of the State to encourage food self-sufficiency for the State.”

Section 5. Statements of Law.

Section 5.1. Licensure/Inspection Exemption. Producers or processors of local foods in the Town of Machias are exempt from licensure and inspection provided that the transaction is only between the producer or processor and a patron when the food is sold for home consumption. This includes any producer or processor who sells his or her products at farmers’ markets or roadside stands; sells his or her products through farm-based sales directly to a patron; or delivers his or her products directly to patrons.
Machias Local Food and Community Self-Governance Ordinance

Section 5.1.a. Licensure/Inspection Exemption. Producers or processors of local foods in the Town of Machias are exempt from licensure and inspection provided that their products are prepared for, consumed, or sold in accordance with; Section 2. Definitions subsection F. Patrons, producers, and processors are encouraged to educate themselves on proper food handling, storage, and food preparation.

Section 5.2. Right to Access and Produce Food. Machias citizens possess the right to produce, process, sell, purchase, and consume local foods of their choosing.

Section 5.3. Right to Self-Governance. All citizens of Machias possess the right to a form of governance which recognizes that all power is inherent in the people, that all free governments are founded on the people’s authority and consent.

Section 5.4. Right to Enforce. Machias citizens possess the right to adopt measures which prevent the violation of the rights enumerated in this Ordinance.

Section 6. Statement of Law. Implementation. The following restrictions and provisions serve to implement the preceding statements of law.

Section 6.1. State and Federal Law. It shall be unlawful for any law or regulation adopted by the state or federal government to interfere with the rights recognized by this Ordinance. It shall be unlawful for any corporation to interfere with the rights recognized by this Ordinance. The term “corporation” shall mean any business entity organized under the laws of any state or country.

Section 6.2. Patron Liability Protection. Patrons purchasing food for home consumption may enter into private agreements with those producers or processors of local foods to waive any liability for the consumption of that food. Producers or processors of local foods shall be exempt from licensure and inspection requirements for that food as long as those agreements are in effect.

Section 6.3. Municipal Liability Protection: The Town of Machias assumes no liability for any products utilized under this ordinance. Nothing within this ordinance indemnifies the producer or the processors from liability for their products.

Section 7. Civil Enforcement. The Town of Machias may enforce the provisions of this Ordinance through seeking equitable relief from a court of competent jurisdiction. Any individual citizen of the Town of Machias shall have standing to vindicate any rights secured by this ordinance which have been violated or which are threatened with violation, and may seek relief both in the form of injunctive and compensatory relief from a court of competent jurisdiction.
Machias Local Food and Community Self-Governance Ordinance

Date Adopted by Board of Selectmen: 8/9/2017

Signature of Board Members:

Warren E. Day
Reslee H. Lagasse
Paul Johnson-Bolke
William Ripley

Date Adopted At Town Meeting: 8/9/2017
TOWN OF MACHIAS

Medical Marijuana Ordinance

ENACTED: December 5, 2018

CERTIFIED BY: Sandra Clifton

Town Clerk
Affix Seal
Title
# Medical Marijuana Ordinance

## Town of Machias

### Table of Contents

1-1 Title
1-2 Authority & Applicability
1-3 Purposes
1-4 Conflicts with other Ordinances
1-5 Effective Date
1-6 Validity and Severability
1-7 Definitions
1-8 Permit/License Required
1-9 Application Procedure
1-10 Standards for Permit
1-11 Enforcement
1-12 Amendments

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-1 Title</td>
<td>3</td>
</tr>
<tr>
<td>1-2 Authority &amp; Applicability</td>
<td>3</td>
</tr>
<tr>
<td>1-3 Purposes</td>
<td>3</td>
</tr>
<tr>
<td>1-4 Conflicts with other Ordinances</td>
<td>3</td>
</tr>
<tr>
<td>1-5 Effective Date</td>
<td>4</td>
</tr>
<tr>
<td>1-6 Validity and Severability</td>
<td>4</td>
</tr>
<tr>
<td>1-7 Definitions</td>
<td>4</td>
</tr>
<tr>
<td>1-8 Permit/License Required</td>
<td>5</td>
</tr>
<tr>
<td>1-9 Application Procedure</td>
<td>5</td>
</tr>
<tr>
<td>1-10 Standards for Permit</td>
<td>8</td>
</tr>
<tr>
<td>1-11 Enforcement</td>
<td>10</td>
</tr>
<tr>
<td>1-12 Amendments</td>
<td>11</td>
</tr>
</tbody>
</table>
1-1 Title:
This ordinance shall be known and cited as the “Town of Machias Medical Marijuana Retail Stores, Manufacturing Facilities, and Testing Facilities Ordinance” and will be referred to hereinafter as “this Ordinance”. This Ordinance regulates all these subject Medical Marijuana Businesses to the areas, except as exempted within this ordinance; prescribes definitions of these Medical Marijuana Businesses; provides for permitting/licensing and regulation of Medical Marijuana Businesses; and provides standards for Medical Marijuana Businesses.

1-2 Authority and Applicability:
WHEREAS, implementing a system for the regulation of stores, manufacturing, and testing for the medical use of marijuana, a controlled substance, is a complex function with significant administrative demands on the Town of Machias; and

WHEREAS, the Town of Machias believes that any production, processing, or selling of medical marijuana should be conducted in a safe and fair manner for the health, safety, and welfare of the community, which includes complying with provisions of all Maine Statutes regulating Medical Marijuana throughout the Town of Machias; and

NOW THEREFORE, this Ordinance is adopted pursuant to the Medical Marijuana Act the provisions of the Municipal Home Rule Authority (30-A M.R.S. §3001 et seq.).

1-3 Purpose:
It is the purpose of this Ordinance to regulate Medical Marijuana Businesses in order to promote the health, safety, and general welfare of the citizens of Machias, and to establish reasonable and uniform regulations for the appropriate operation of Medical Marijuana Businesses in Machias.

Persons or entities wishing to establish a Medical Marijuana Business within the Town of Machias shall be subject to the provisions of this Ordinance.

This Ordinance may not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary under the Maine Medical Marijuana Act.

1-4 Conflict with Other Ordinances: Severability:
Whenever a provision of this Ordinance conflicts with or is inconsistent with other provisions of this Ordinance, or of any other ordinance, regulation or standard, the more restrictive provision shall apply.
1-5 Effective Date:
The effective date of this Ordinance, and the permitting/licensing of the establishment or operation of any medical marijuana retail store, medical marijuana products manufacturing, or medical marijuana testing facility in Machias thereunder, shall be the date of adoption by the voters at Town Meeting. Businesses in operation prior to the adoption of the ordinance will be required to apply within thirty (30) days and will be subject to the permitting process.

1-6 Validity and Severability:
Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

1-7 Definitions:
For purposes of this Ordinance, medical marijuana businesses, including medical marijuana retail stores, medical marijuana products manufacturing facilities, and medical marijuana testing facilities, are defined as set forth in Maine Statutes regulating Medical Marijuana except the definition of a Medical Marijuana retail storefront.

Medical Marijuana Storefront shall be described as follows: Any store, house, garage, shed, or structure having a location on a street or thoroughfare having display windows, business signs, or advertising media for the purpose of selling medical marijuana or any given location that provides medical marijuana products to ten (10) caregivers selling medical marijuana products to ten (10) or more patients within a fifteen (15) day period regardless of the number of caregivers operating out of said location.

The Town of Machias has prohibited all medical marijuana retail stores, medical marijuana products manufacturing facilities, and medical marijuana testing facilities, are defined as set forth in Maine Statutes regulating Medical Marijuana from being located within 1000 feet of the property line of a pre-existing public or private school or within 500 feet of a pre-existing state licensed daycare facility; or within five hundred (500) feet of recreational areas designated for use by children up to eighteen (18) years in age, and/or or areas designated as a municipal "safe zones" pursuant to 30-A M.R.S. §3253, within five hundred (500) feet of the subject property.

A daycare facility or recreational facility may locate closer than regulation allows to an existing medical marijuana retail stores, medical marijuana products manufacturing facilities, and medical marijuana testing facilities, however, this will not cause a closure of the already existing facility.
1-8 Permit/License Required:

No person may establish, operate or maintain a Medical Marijuana Business without first submitting the application with all required documentation to the Machias Planning Board for Review and obtaining a permit/license from the Selectpersons. It is a violation of this Ordinance for any person to operate a Medical Marijuana Business without a valid Medical Marijuana Business permit/license issued by the Town pursuant to this Ordinance.

The Town has placed no limits on the number of permits or licenses for the following: medical marijuana retail stores, medical marijuana products manufacturing facilities, and medical marijuana testing facilities.

All Medical Marijuana Retail Stores must be operated from storefront locations. No internet sales or telephone sales will be allowed at any Medical Marijuana Business licensed in the Town of Machias. Orders may utilize telephone and internet orders so long as the buyer, upon pick up or delivery shows proper identification showing the individual to be a qualifying patient according to Maine Statutes. Medical Marijuana Retail Stores may not use vending machines for sales and may not have internet-based sales with credit/debit card payment and delivery by USPS, UPS, FedEx, or any other global or local delivery service or courier, unless in accordance with Maine Revised Statutes.

Pre-existing businesses in operation upon the Medical Marijuana Ordinance approval by the voters of Machias shall have One Hundred Twenty (120) days to comply with the requirements of this ordinance. The Board of Selectpersons may extend this requirement a maximum of One Hundred Twenty (120) additional days for extenuating circumstances.

1-9 Application Procedure:

A. An application for a permit/license must be made on a form provided by the Town and submitted to the Town Office with the Application fee. The Town office will submit the application for Planning Board review. The applicant must notify all abutting property owners by certified mail at least fourteen (14) days in advance of the Planning Board Meeting and bring proof of notification to the meeting for attachment to the application.

B. All applicants must be qualified according to the provisions of this Ordinance. The applicant shall provide all required information to the Town. The Town will then determine whether the applicant meets the qualifications established in this Ordinance.

C. Application to establish a Medical Marijuana Business

1. If the applicant who wishes to operate a Medical Marijuana Business is a single individual, this person must sign the application for a permit/license. If the applicant who wishes to operate a Medical Marijuana Business is more than one individual, each person who has an interest in the business must sign the application for a permit/license as applicant. Each applicant must be qualified under the following Section and each applicant shall be considered a permittee/licensee if a permit/license is granted.
2. The completed application for a Medical Marijuana Business permit/license shall contain the following information and shall be accompanied by the following documents:

a. If the applicant is an individual: The individual shall state their legal name and any aliases, and submit proof that they are at least twenty-one (21) years of age.

b. If the applicant is a partnership: The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least twenty-one (21) years of age.

c. If the applicant is a corporation: The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least twenty-one (21) years of age.

d. If the applicant is a limited liability company (LLC): The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least twenty-one (21) years of age.

e. If the applicant intends to operate the Medical Marijuana Business under a name other than that of the applicant, they must state the Medical Marijuana Business’ name and submit the required registration documents.

f. If the applicant or a potential employee has been convicted of criminal activity under State and/or federal law, they must list the specified criminal activity involved, and the date, place, and jurisdiction of each conviction.

g. If the applicant has had a previous permit/license under this Ordinance or other similar Medical Marijuana Business ordinances from another Town, City, or State denied, suspended or revoked, they must list the name and location of the Medical Marijuana Business for which the permit/license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation. They must list whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this Ordinance, whose permit/license has previously been denied, suspended or revoked, listing the name and location of the Medical Marijuana Business for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.
h. If the applicant holds any other permits/licenses under this Ordinance or other similar Medical Marijuana Business ordinance from another Town, City, or State and, if so, the names and locations of such other permitted/licensed businesses.

i. The classification of permit/license for which the applicant is filing.

j. The location of the proposed Medical Marijuana Business, including a legal description of the property, name of the property owner, the current street address, and a contact telephone number.

k. The applicant’s mailing address and residential address.

l. Recent passport-style photograph(s) of the applicant(s).

m. The applicant’s driver’s license.

n. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floor space to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.

o. A copy of a Town Tax Map depicting: the subject property lines and the property lines of other properties containing any existing Medical Marijuana Businesses within one thousand (1,000) feet of the subject property; the property lines of any public or private school within one thousand (1,000) feet of the subject property; the property lines of any pre-existing state licensed daycare facility located within 500 feet under 10-148 CMR c. 32, and/or recreational areas designated for use by children up to eighteen (18) years in age, and/or areas designated as a municipal “safe zones” pursuant to 30-A M.R.S. §3253, within five hundred (500) feet of the subject property.

D. Application and Permit/License Fees

All applications must be submitted with the appropriate fee for same per below. If an application is approved, the following permit/license fees must be paid before the Town will issue a permit/license:

1. Medical Marijuana Retail Store: Application Fee: $250 non-refundable; License Fee: $3,000 first license and $5,000 per each additional renewal (annually)

2. Medical Manufacturing Facility: Application Fee: $250 non-refundable; License Fee:

   Tier 1: License Fee: $2,500 for up to 40 lbs of product on site (annually)

   Tier 2: License Fee: $5,000.00 for up to 200 lbs of product on site (annually)
3. Medical Marijuana Testing Facility: Application Fee: $250 non-refundable; License Fee: $500 (annually)

The Town may choose to structure quarterly payment of the licensing fees during the first license year to assist start-up businesses. However, each business owner shall ensure that the payment is made to the Town of Machias by the due date or their license is immediately and automatically under suspension and shall not become effective again until reviewed by the Board of Selectpersons.

For all Medical Marijuana Permit/License holders there shall be an annual renewal fee.

1-10 Standards for Permit/License:

A. General

1. Medical Marijuana Businesses, Retail Stores, and Testing Facilities, may exist and operate in Machias with the exceptions listed below:
   within one thousand (1,000) feet of any public or private school; within five hundred (500) feet of any pre-existing state licensed daycare facility; or within five hundred (500) feet of recreational areas designated for use by children up to eighteen (18) years in age, and/or or areas designated as a municipal "safe zones" pursuant to 30-A M.R.S. §3253, within five hundred (500) feet of the subject property.

2. More than one Medical Marijuana Business may be co-located and operated within the same building, structure, or portion thereof, as long as all ordinance and application requirements are met.

3. Medical Marijuana Businesses may be open for business only between the hours of 7:00 a.m. and 9:00 p.m., locally prevailing time.

4. The sale or offering for sale of Medical Marijuana and/or Medical Marijuana products under permit/license and the sale or offering for sale of Medical Marijuana and/or Marijuana products under permit/license within the same premises is allowed subject to Maine Revised Statutes.

5. For the purpose of subsection A of this Section, measurement shall be made in accordance with MRSA 28A Chapter 29 subsection 701-2. Presence of a Town, County, or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.

6. Security measures at all Medical Marijuana Business premises shall be in accordance with all state licensing regulations.
7. Ventilation, Noise, and Lighting

All Medical Marijuana Businesses are responsible for proper ventilation for odor control, noise control, and proper lighting to ensure the property of others is not negatively impacted by Medical Marijuana business operations. The Board of Selectpersons shall have the authority to suspend and/or revoke any license for non-compliance with this standard or based upon numerous complaints from property abutters.

B. Right of Access/Background Check/Inspection

Every Medical Marijuana Business shall allow the Machias Code Enforcement to enter the premises at reasonable times for the purpose of checking compliance with this Ordinance.

Due to fire, explosion, and other hazards inherent in Medical Marijuana Manufacturing facilities, including, but not limited to, heavy electrical loads, hot lighting fixtures, CO₂ enrichment, extraction solvents (acetone, butane, propane, ethanol, heptane, isopropanol, CO₂, etc.), high-pressure extraction methods (CO₂, etc.), and flammable contents, the owners of all such facilities shall agree to be inspected in the same manner as all other Machias businesses using or storing these types of chemicals.

C. Indemnification

By accepting a permit/license issued pursuant to this Ordinance, the permittee/licensee waives and releases the Town, its officers, elected officials, employees, attorneys, and agents from any liability for injuries, damages, or liabilities of any kind that result from any arrest or prosecution of any Medical Marijuana Business owners, operators, employees, clients, or customers for a violation of local, State or federal laws, rules or regulations. By accepting a permit/license issued pursuant to this Ordinance, the permittee/licensee agrees to indemnify, defend, and hold harmless the Town, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims, and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of a permitted/licensed Medical Marijuana Business.

D. State Law

In the event the State of Maine adopts any additional or stricter law or regulation governing the sale, manufacturer, distribution, or testing of Medical Marijuana or Medical Marijuana products, the additional or stricter regulation shall control the establishment or operation of any Medical Marijuana Retail Store, Medical Marijuana Products Manufacturing, or Medical Marijuana Testing Facility in Machias.

Compliance with all applicable Maine State laws and regulations shall be deemed an additional requirement for issuance or denial of any permit/license under this Ordinance,
and noncompliance with other applicable Maine State laws and regulations shall be grounds for revocation or suspension of any permit/license issued hereunder.

1-11 Enforcement

A. Violations

1. Any violation of this Ordinance, including failure to comply with any condition, shall be deemed to be a violation of 30-A M.R.S. §4452. Every day a violation exists constitutes a separate violation.

2. Commencement of any Medical Marijuana Business without a Town permit/license for same shall be a violation of this Ordinance. Any party committing such a violation shall immediately cease operations, whether of a construction, renovation, or business nature, upon notification by the CEO or their designee.

Upon such notification, the Town can pursue fines and/or penalties under 30-A M.R.S. 4452.

B. Code Enforcement Officer

1. If the CEO finds that any provision of this Ordinance is being violated, they shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including but not limited to, discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement or mitigation of violations. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

2. The CEO shall keep a complete record of all essential transactions of the CEO, including Medical Marijuana permit/license applications submitted. Records of all permits/licenses granted or denied, revocation actions, revocation of permits/licenses, appeals, court actions, violations investigated, violations found and fees collected are maintained by the municipality.

C. Legal Actions

When the above notification and/or inspection actions do not result in the voluntary correction or abatement of the violation by the subject Medical Marijuana Business, the Municipal Officers, upon receiving written notification from the CEO, shall institute any and all actions and proceedings, either legal or equitable, including injunctions of violations and the impositions of penalties and/or fines in order to enforce the provisions of this Ordinance. The Municipal Officers or their authorized agent is hereby authorized to enter administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action.
D. Penalties/Fines

Any person, including but not limited to, a Medical Marijuana Business owner, a property owner where such business is located, or any agent or contractor for same, who orders or conducts any activity in violation of this Ordinance, or upon failure to comply with any of its requirements, shall be penalized in accordance with 30-A M.R.S. §4452 which can include suspension or revocation of a medical marijuana license.

E. Monies Collected from Licensing Fees, Fines, and Penalties

1. Licensing Fees shall be placed in a fund the first year to determine the additional costs of the enforcement of this ordinance. At the end of the first fiscal year the Town shall pay all costs of Code Enforcement first and then split the remaining proceeds as follows:

A. The remaining funds will be used for the following:
   1. Youth Recreation Activities and Facilities
   2. Bad Little Falls Park Improvements
   3. Alcohol and Tobacco Education and Recovery
   4. Community Marketing
   5. Machias Valley Airport

The Selectpersons shall decide annually how the collected funds will be appropriated to the above programs and services.

1-12 Amendments:

A. Initiation of Amendments

An amendment to this Ordinance may be initiated by:

1. The Municipal Officers, provided a majority of the Municipal Officers has so voted; or

2. Written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in the municipality at the last gubernatorial elections.

B. Public Hearing

The Municipal Officers shall hold a public hearing on the proposed amendment. Notification of the hearing shall be posted and advertised in a newspaper of general circulation in the municipality at least seven (7) days prior to the hearing.

C. Adoption of Amendment

An amendment of this Ordinance shall be adopted by a majority vote of a Town Meeting.
Approved by the Inhabitants of Machias on 5th Day of December, 2018.

Signatures:

[Signatures]

[Signatures]
An ordinance of the Town of Machias, enacted at the Annual Town Meeting on March 27, 1972.

MOBILEHOME PARK AND TRAILER PARK ORDINANCE OF

THE TOWN OF MACHIAS, MAINE

Title:

This ordinance shall be known and may be cited as "The Mobilehome Park and Trailer Park Ordinance of the Town of Machias, Maine".

Purpose:

The ordinance has been drafted with the purpose to define and regulate mobilehome and trailer parks, to establish minimum standards governing the construction and maintenance of mobilehome and trailer parks; to establish minimum standards governing utilities and facilities and duties of owners and operators of mobilehome and trailer parks; to authorize the inspection of mobilehome and trailer parks and fix penalties for violations.

Jurisdiction:

This ordinance shall have jurisdiction over all property within the boundaries of the Town. It regulates the development and operations of mobilehome parks and trailer parks and requires everyone who, within its jurisdiction operates or intends to develop or operate a mobilehome park or trailer park to obtain approval from the Board of Selectmen or their authorized representative.

SECTION 1 - DEFINITIONS

1. As used in this ordinance the word "person" shall be construed to include persons, partnerships, firms, companies, corporations, owners, lessees or licensees or their agents.

2. A trailer is a mobilehome which is not equipped with sanitary facilities, bath and toilet.

3. Mobilehome shall mean any vehicle used or so constructed as to permit its being used as a conveyance on the public streets and highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons, and provided with a toilet and a bathtub or shower.

4. A mobilehome park is land upon which two or more mobilehomes are parked and occupied for living purposes.

5. A trailer park is land upon which two or more trailers are parked and occupied temporarily for recreational purposes.
SECTION 2 - PERMITS

1. Permit Required. It shall be unlawful for any person to construct, maintain, operate, or alter any mobilehome park or trailer park within the limits of the Town of Machias unless he or she or any firm holds a valid permit issued annually by the Board of Selectmen in the name of such person or persons or firm for the specific mobilehome or trailer park.

Applications for an initial permit or annual renewal of a permit shall be subject to a fee of $25 for mobilehome and trailer parks of ten mobilehome or trailer spaces or less, authorized under this ordinance. For each additional mobilehome or trailer space over ten there shall be a fee of $2.50 for each such authorized mobilehome space within a mobilehome or trailer park. Fees shall be paid to the Town Clerk. All initial applications for permits shall be made to the Board of Selectmen. Issuance of the permit by the Board of Selectmen shall be contingent upon (1) compliance with all Sanitary Laws and Regulations of the State of Maine and (2) approval by a majority vote of the Machias Planning Board.

2. Issuance of Permits. The Board of Selectmen shall annually on the first Monday in May renew such permit contingent upon compliance with all regulations in this Ordinance.

3. Waiver of Requirements. All mobilehome parks in existence at the effective date of this ordinance shall, within 90 days thereafter, comply with the requirements of this ordinance, except that the Planning Board, upon application of a park operator within 90 days of the effective date of this ordinance, may waive said requirements with respect to lot sizes and road widths as would require prohibitive construction or reconstruction costs.

4. Permit - Method of Application and Requirements. Applications for permits shall be in writing, signed by the applicant who shall file with the application proof of ownership of the premises or of a lease or written permission from the owner thereof together with a complete set of plans drawn to scale not less than 100' to the inch showing the location of the proposed court, and which shall include:

1) The area and dimensions of the tract of land.

2) The maximum number, location and size of all mobilehome and trailer spaces.

3) The location of any existing buildings and any proposed structures.

4) The location and width of roadways and walkways.

5) The location of water and sewer lines and the sewage disposal systems.
SECTION 3 - INSPECTION

1. Inspection of Mobilehome and Trailer Parks. The Board of Selectmen or their authorized representative is hereby authorized and directed to make inspections to determine the condition of mobilehome parks and trailer parks located within the Town of Machias in order that they may perform their duty of safeguarding the health and safety of occupants of mobilehome parks and of the general public. The Board of Selectmen or their duly authorized representative shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.

SECTION 4 - LOCATION, SPACE, AND GENERAL LAYOUT OF MOBILEHOME PARKS

1. Location. Mobilehome Parks may be located where permitted by the Town Ordinances, subject to the approval of the Planning Board based upon compliance with this ordinance.

2. Site. The park shall be located on a site, graded to insure drainage of surface water, sub-surface water, sewage and freedom from stagnant pools.

3. Area Requirements. The area of the mobilehome park shall be large enough to accommodate:
   1) The designated number of mobilehome spaces,
   2) Necessary streets or roadways,
   3) Sewage disposal system.

4. Space Requirements. Each mobilehome space shall be at least 50 feet wide and 90 feet deep, and shall abut on a driveway or other clear area with unobstructed access to a public street. Such spaces shall be clearly defined and mobilehomes shall be so located that a minimum of ten feet clearance exists between any part of the mobilehome and the lot lines of the mobilehome space.

5. Mobilehome Space Availability Required. It shall be illegal to allow any mobilehome to remain in a mobilehome park unless a mobilehome space is available.

6. Set-Back Requirement. No mobilehome in a mobilehome park may be located within 50 feet of any public right-of-way.

7. Trailers Excluded. No trailer may be located in a mobilehome park.
SECTION 5 - UTILITY AND SERVICE REQUIREMENTS IN
MOBILEHOME PARKS

1. Roadways. For fire protection and prevention, every mobilehome park shall have access to a public street by directly abutting thereon, or by means of a private hard surfaces road not less than twenty feet wide. The roadways in a mobilehome park shall have a minimum of twenty feet, with a right-of-way of thirty feet where off-street parking is provided, where there is no off-street parking facility, the roadway shall have a 40 foot right-of-way. Each mobilehome shall have access to such a road. Any access road shall be continuous; or terminate with a turn-around of not less than 100 feet in diameter. Each roadway within a mobilehome park shall have a minimum gravel base of 12 inches. Roadways will be lighted according to the same standards as are practiced in the urban area of town.

2. Sanitation

A. Water Supply Requirements. An accessible, adequate, safe and potable supply of water shall be provided in each mobilehome park, capable of furnishing a minimum of 200 gallons per day per mobilehome space. Potable water must meet State Health & Welfare standards.

B. Plumbing. All plumbing in the mobilehome park shall comply with State and local plumbing laws and regulations and shall be maintained in good operating condition.

C. Sewage Disposal. Mobilehome parks shall be served by a public sewage system, or by a private disposal system which meets the requirements of the State Plumbing Code and local ordinances. Each mobilehome space shall be provided with a satisfactory sewer connection. All sewage disposal apparatus including appurtenances thereto, shall be provided, maintained, and operated so as not to create a nuisance or health hazard.

D. Refuse and Garbage Disposal. The storage, collection and disposal of refuse in the park shall not create health hazards, rodent harborage, insect-breeding areas, accident hazards, or air pollution. All refuse and garbage shall be stored in flytight, watertight, rodent-proof containers, which shall be provided in sufficient number and capacity to prevent any refuse from overflowing.
Reporting of Communicable Diseases. Every mobilehome park operator shall maintain a register containing a record of all mobilehome occupants using the mobilehome park. Such register shall be available to any authorized person inspecting the park, and shall be preserved for a period of at least one year. Such register shall contain the names and addresses of all mobilehome occupants staying in the park. Every owner, operator, attendant, or other person operating a mobilehome park shall notify the local Health Officer immediately of any suspected communicable or contagious disease within the mobilehome park. In the case of diseases diagnosed by a physician as quarantinable, such owner, operator, attendant or other person operating a mobilehome park shall notify the Health Officer of the departure or proposed departure of a mobilehome or its occupants, or the removal therefrom of the clothing or other articles which have been exposed to infection.

3. Electric Installation and Outlet Requirements. An electrical outlet supplying at least 110 volts shall be provided for each mobilehome space. The installation shall comply with all State and local Electrical Codes and Ordinances. Such electrical outlets shall be weatherproof. No power lines shall be permitted to lie on the ground or to be suspended less than 12 feet above the ground.

SECTION 6 - REGULATIONS AND MINIMUM STANDARDS FOR CAMP GROUNDS AND TRAILER PARKS

1. General Requirements. Spaces in camp grounds and trailer parks may be used by travel trailers, equivalent facilities constructed in or on automotive vehicles, tents or other short-term shelter devices. Permanent or long-term dwellings or shelter devices including mobilehomes are specifically prohibited.

2. Service Facilities. Service facilities which meet the following specifications shall be provided and continuously maintained in sanitary condition and in good operating order at all times when the camp ground is open for business:

   A. A continuous adequate, safe and potable supply of water.

   B. Not less than one toilet for each sex which meets all requirements of State Statutes and Town Plumbing Codes for the first five trailer or tent spaces plus one additional toilet for each sex for each additional ten trailer or tent spaces.

Copied from Town Records
October, 1981

[Signature]
Town Clerk
MUNICIPAL PLANNING BOARD

An ordinance of the Town of Machias, enacted at the Annual Town Meeting on March 17, 1975. (Enacted as read)

"Shall an ordinance re-establishing the Town of Machias Planning Board pursuant to MRS, Const. Art. VIII-A and 30 MRSA, Sec. 1917 be enacted? Said ordinance to cover the appointment, tenure, organization, rules, duties and powers of said Planning Board and its members, together with any measures deemed necessary to accomplish or facilitate the foregoing purposes. Said ordinance to be enacted according to MRS, Title 30, Sec. 2153 which provides: "One copy of the proposed ordinance shall be certified by the Municipal Officers to the Municipal Clerk at least seven days next prior to the day of election to be preserved as a Public Record, and copies shall be available at that time for distribution to the voters by the Municipal Clerk as well as at the time of the Town Meeting."


2. Appointment

(a) Appointments to the Board shall be made by the Municipal Officers.

(b) The Board shall consist of 5 members and 2 associate members.

(c) The term of each member shall be five years, except the initial appointments which shall be for 1, 2, 3, 4, and 5 years respectively. The term of office of an associate member shall be five years.

(d) When there is a permanent vacancy, the Municipal Officers shall within 60 days of its occurrence appoint a person to serve for the unexpired term.

(e) Not more than 1 Municipal Officer may serve as a member and 1 Municipal Officer may serve as an associate member.

(f) All members and associate members must be legal residents of the Town of Machias."

Copied from Town Records
October, 1981

[Signature]
Town Clerk
ARTICLE I - PURPOSE

The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Machias, the Board shall consider the following criteria and before granting approval shall determine that the proposed subdivision:

(A) Will not result in undue water or air pollution. In making this determination it shall at least consider: the elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal, the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resources regulations;

(B) Has sufficient water available for the reasonably foreseeable needs of the subdivision;

(C) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

(D) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

(E) Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;

(F) Will provide for adequate solid and sewage waste disposal;

(G) Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;

(H) Will not place an unreasonable burden on the ability of the local government to provide municipal or governmental services;

(I) Will not have an undue adverse effect on the scenic or natural beauty of the area aesthetics, historic sites or rare and irreplaceable natural areas;

(J) Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any; and

(K) The subdivider has adequate financial and technical capacity to meet the above stated standards;

(L) Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.
ARTICLE IT - AUTHORITY

These standards have been prepared in accordance with the provisions of Title 30 M.R.S.A., Chapter 454, Section 4956.

These standards shall be known and may be cited as "Planning Board Subdivision Standards for the Town of Machias, Maine."

ARTICLE III - ADMINISTRATION

The Planning Board of the Town of Machias, hereinafter called the Board, shall administer these standards.

The provisions of these standards shall pertain to all the land proposed for subdivision as herein defined within the boundaries of the Town of Machias.

ARTICLE IV - DEFINITIONS

A subdivision shall be the division of a tract or parcel of land into 3 or more lots for the purpose, immediate or future, of lease, sale, development or building, whether this division is accomplished by immediate platting of the land or by sale of the land by metes and bounds. The term subdivision shall include the subdivision of land for non-residential purposes, mobile home parks and the re-subdivision of land.

ARTICLE V - PROCEDURE

In order that the Planning Board may be fully informed about the site, the subdivider shall arrange for a joint inspection of the site with the Planning Board or a committee member, or individual appointed by the Chairman to act as the Board's representative for such inspection.

At the time of preapplication inspection, the subdivider shall submit a Preliminary Plan and other data relative to the proposed subdivision which may be of assistance to the Planning Board in making its determinations.

Preliminary and Final Plan Required. As to any intended division of land, there shall be prepared and submitted by the subdivider to the Planning Board both a Preliminary Plan for study and, if necessary, modification, and a Final Plan. The Final Plan shall not be prepared until the subdivider has received from the Planning Board written notice of a vote of a majority of the Board approving a Preliminary Plan of such subdivision.

Preliminary Plan. The preliminary plan submitted by the subdivider shall contain three prints with scales of not less than 100 feet to the inch. The size shall be 24" x 30" maximum and shall contain the following information:
(1) Name or title of subdivision;
(2) Scale, date, north point;
(3) Boundaries of tract;
(4) Existing zoning;
(5) Name of owner(s) and engineer(s) or surveyor(s);
(6) Name of abutting owners;
(7) Name, location, width, profile, cross-section, radius of curves of all existing and proposed streets;
(8) Kind, location, profile and cross-section of all existing and proposed drainage;
(9) Location of features, natural and man-made, affecting the subdivision, such as water bodies, streams, swamps, wooded areas, railroads, ditches, buildings, etc.;
(10) Location of utilities—water, electrical lines, etc.;
(11) Sanitation existing and proposed location, size, profile and cross-section of sanitary sewers, or description, plan, location or other means of sewage disposal with evidence of soil suitability (see page tests);
(12) Lines and dimensions of lots;
(13) Topographic map if ground slope is more than 5% or less than 1%.

In addition to the Preliminary Plan the Planning Board may cause to be undertaken by the subdivider any studies it deems necessary or desirable to protect and assure the health, safety and welfare of the citizens of the town of Machias and the future occupants of such subdivision, whether residential, commercial or industrial.

Subdivider to be Notified. The Planning Board shall notify the subdivider in writing of the vote of the Board on each preliminary map, and of any conditions voted, and shall transmit to the subdivider with the aforesaid notice, one copy of each drawing or data sheet approved, with the conditions, if any were voted, endorsed on each drawing or data sheet.

Expiration of Preliminary Plan Approval. The preliminary plan approval shall expire after one year unless an extension of time is granted by the Planning Board.

Final Plan. The subdivider shall, within six months after the preliminary approval of the Preliminary Plan, file with the Planning Board the Final Subdivision Plan for approval. If the Final Plan is not submitted to the Planning Board within six months after the approval of the Preliminary Plan, the Planning Board may refuse without prejudice to act on the Final Plan, and require re-submission of the Preliminary Plan. All applications for Final Plan approval for a subdivision shall be accompanied by a fee of $25.00 plus $10.00 per acre for each acre or fraction thereof over 2 1/2 acres, payable by check to the Town of Machias.

ADDENDUM - PAGE 6

The Final Plan submitted by the subdivider shall consist of 5 prints clearly and legibly drawn; 1 print on stable base, translucent material suitable for reproduction and 3 dark line copies, which shall contain:

(1) All the information required for a preliminary plan;
(2) Existing and final proposed lines of streets, ways, lots, easements and public or common areas within the subdivision;
(3) Sufficient data to determine the location, direction and length of...
every street and way line, lot line and boundary line, and to establish these lines on the ground;

(4) Profiles of the center lines of proposed streets, on sheets separate from the plan diagram, at a horizontal scale of 1 inch equals 50 feet, and a vertical scale of 1 inch equals 5 feet, with all elevations referred to U.S.G.S. datum;

(5) Location of all permanent monuments properly identified as to whether existing or proposed;

(6) Suitable space to record, on the plan, final approval by the Planning Board, with conditions if any, and also the date of such approval as follows:

Approved: Town of Machias Planning Board

_________________________ Chairman

_________________________ Date

Accompanying Data. The Final Plan shall be accompanied by a statement from the Machias Water Company Superintendent of conditions on which the company will supply water, and approving the size and location of mains, valves and hydrants proposed; and a statement from the Fire Chief approving the number, size, and location of hydrants proposed.

If the proposed subdivision:

a) Occupies a land area in excess of 20 acres, or
b) Involves a structure or structures, having in excess of 60,000 square feet of ground area coverage, or
c) Requires a license from the Environmental Improvement Commission under some other regulation such as waste discharge or air quality, or
d) In any other way falls within the jurisdiction of and is subject to review by the State of Maine Environmental Improvement Commission, then:

The approval of the State of Maine Environmental Improvement Commission shall be secured in writing before official submission of the Final Plan.

Sewage disposal system proposals contained in the Subdivision Plan shall be properly endorsed and approved in writing by:

a) The State of Maine, Department of Health and Welfare if a central sewage collection and treatment system is to be utilized, or if individual septic tanks are to be installed by the developer, or
b) The Maine Environmental Improvement Commission if the municipal system to be utilized is inadequate by State standards and the waste generated is of a "significant" nature, or if the waste is to be discharged, treated or untreated, into any body of water.
Such approval shall be secured before official submission of the Final Plan.

Performance Guaranty. As a condition precedent to Final approval of any subdivision, a performance guaranty to defray expenses involved shall be submitted with the Final Plan.

Before the Planning Board grants approval of the Final Plan, the subdivider shall, in an amount set by the Planning Board, either file with the Municipal Treasurer a certified check to cover the full cost of required improvements, or the subdivider shall file with the Municipal Treasurer a performance bond to cover the full cost of required improvements. Any such bond shall be satisfactory to the Municipal Officers as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond time within which required improvements must be completed. The certified check or bond shall include an amount required for recreation land or improvements as specified.

Conditional Agreement. The Subdivider may substitute for the performance check or bond a properly executed conditional agreement with the Town of Machias; such agreement shall be endorsed in writing on the Final Plan.

ARTICLE VI - STREET DESIGN AND CONSTRUCTION. Minimum Standards for Street Design and Construction.

The design of streets shall provide for proper continuation of streets from adjacent subdivisions and built-up areas, and proper projection of streets into adjacent unsubdivided and open land.

A. Minor streets shall be designed to discourage through traffic.

B. Width of right-of-way.
   (1) Major Arterial. 80' Desirable; 60' Minimum.
   (2) Collector Streets -- 66' Desirable; 60' Minimum.
   (3) Local Residential Streets -- 60' Desirable; 50' Minimum.

C. Width of pavements.
   (1) Major arterial -- Two 14-foot traffic lanes and two parking lanes or paved shoulders of 8 feet.
   (2) Collector Streets -- Two 12-foot traffic lanes, and two 8-foot parking lanes or paved shoulders.
   (3) Local Streets -- Two 9-foot traffic lanes and two 7-foot parking lanes or paved shoulders.

D. The radius of center line curve shall be 100 feet minimum.

E. Angle of street at intersection shall be not less than 60 degrees.

F. Street grades shall be minimum of 0.5 per cent and maximum on (1) major arterial -- 7%; (2) collector street -- 10%; (3) local street -- 14%. At intersections, a maximum grade of 3% within 50 feet.

G. Cul-de-sac and dead-end streets shall be maximum length of 800 feet with a minimum property line radius of 100 feet and a minimum turning radius of 35 feet at the closed end. Use of a T-shaped turn-around will be permitted as an alternate. In the latter case, the turn-around
should be at least 24 feet wide, 40 feet long and shall be located between 50 and 100 feet from the end of the street. (All dimensions cited for the T-shaped turn-around are for the travelled way.)

H. There shall be a maximum centerline length of 1500 feet between street intersections.

I. Property lines at intersections shall be rounded with a minimum radius of 20 feet.

J. All streets shall be crowned in accordance with good engineering practice, and be provided with adequate drainage.

K. Sidewalks shall be required at the discretion of the Board, and shall be at least 4 feet minimum width.

Easements. The Board may require easements for sewage, drainage, and other utilities.

Public Open Space. The Board may require the reservation of open space for recreation, school sites, and drainage. The Board may require the subdivider to landscape such open space—shade trees and ground cover.

Water System. Town water mains with hydrants shall be provided. A minimum of 6" water main is required for all streets and shall be installed by the Machias Water Company with the initial expense to be borne by the subdivider.

Sewer System. A properly designed on-site sewer system shall be developed with all sewers to be not less than 8 inches in diameter. If town sewers are not available, and individual septic tanks are to be used, in no instance shall a septic disposal system be allowed in soils rated poor or very poor for such purpose by the Soils Suitability Guide for Land Use Planning in Maine, and they shall be in full compliance with the requirements of the State of Maine Plumbing Code.

Set-Back of Houses. No buildings or part thereof shall be closer than 35 feet from edge of right of way of street.

Lot Size. The lot size shall be at least 15,000 square feet minimum, with minimum frontage on any street of 100 feet.

A lot of land which is not served by public or private community sewer whether created by plat, laid out in metes and bounds or otherwise described, shall not be used for single family residential purposes unless such lot of land contains at least 20,000 square feet; and if the lot abuts on a public road, lake, pond, river, stream or seashore, it shall further have a minimum frontage of 100 feet. (M.R.S.A. Title 12, Chapter 423, Sec. 4301). A lot containing less than 20,000 square feet may be used for single family residential purposes if approved by the Department of Health and Welfare.

Definitions. Single family residential purposes means a house, house trailer or mobile home designed to house a single family, and shall include those dwellings which are used seasonally as well as those used permanently.

Multiple unit housing shall mean a building which is designed to house 2 or more families.
Clustered unit housing shall mean 2 or more buildings, on lots contiguous to each other, each building being designed for use by one or more families and shall include trailer or mobile home parks.

Multiple and Clustered Unit Housing: Lot Size.

A lot or lots of land which are used for multiple or clustered unit housing or any other land use activity, which housing or activity must dispose of wastes in excess of the waste disposal requirements of normal single family residential use, must have a minimum lot size which is greater than the requirements stated in Paragraph 2, Lot Size., in the same proportion as the actual waste disposal requirements of these multiple or clustered units of housing or other land use activities is greater than that of single family residential use.

ARTICLE VII - ENFORCEMENT

No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds. No subdivision plat or plan shall be recorded by any Registry of Deeds until a Final Plan thereof shall have been approved by the Planning Board in writing on the plat or plan. No public utility, water district, sanitary district, or any utility company of any kind shall serve any lot in a subdivision for which a plan has not been approved. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this section shall be punished by a fine of not more than $1,000 for each such conveyance, offering or agreement. The Attorney General, the municipality or the appropriate municipal officers may institute proceedings to enjoin the violation of this section.

ARTICLE VIII - VARIANCES AND WAIVERS

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these standards or where there are special circumstances of a particular Plan, it may vary these standards so that substantial justice may be done and public interest secure; provided that such variations will not have the effect of nullifying the intent and purpose of these Subdivision Standards.

ARTICLE IX - APPEALS

An appeal from a decision of the Planning Board may be taken to a General Board of Appeals if one has been established by the municipality in accordance with Title 30, M.R.S.A. Chapter 213, Subchapter V, Section 52411.
ARTICLE X - SEPARABILITY AND EFFECTIVE DATE

The invalidity of any provision of these standards shall not invalidate any other part.
These standards shall take effect immediately on adoption of the same by the Planning Board.


* ADDENDUM

If in the opinion of the Planning Board, the subdivision under consideration is one which will appear to entail little or no future expense to the Town in the way of publicly funded or supported improvements, installations, facilities or services; the Planning Board may in its discretion abate part or all of the acreage fee as provided above.


Copied from Town Records
October, 1981

Town Clerk
POLICE ORDINANCE.

An ordinance of the Town of Machias, enacted at a Special Town Meeting on June 28, 1956.

Article 3. Police Ordinance.

Section I. Each police officer of the Town of Machias shall complete and file with the Chief of Police a work sheet, provided for him by said Town, following each tour of duty assigned to him. No single work sheet shall contain more than one day's duty report. Said work sheets shall provide spaces wherein the police officer shall show at thirty minute intervals his location and general details of what he is then doing. There shall also be allotted spaces for a report on investigations, arrests, etc., with appropriate room for notations which may be helpful in court procedures.

Section II. The Selectmen shall make, each year, a conscientious effort to enroll and send at least one police officer to the State Police School or some similar school.

There shall be at least one police officer on duty within the Town limits between the hours of twelve midnight and one-half hour before sunrise. At this time the officer then on duty shall be charged with the responsibility of diligently making rounds, keeping always on the alert for unlawful activity, fires, or other unusual activity.

The Town shall elect, at its annual meeting, one or more citizens of the Town, including the resident sheriff, and deputy sheriffs of the County of Washington, as Constables, to hold office till the next annual town meeting. Said Constables shall within seven days after being notified in writing by the Town Clerk of their election, qualify, under a penalty of five dollars and costs.

This Section shall in no way prevent the appointment of policemen, as provided by the laws of the State.

Section III. It shall be the duty of said Constable diligently to enforce the By-Laws of the Town. They shall be authorized to command assistance when necessary in the suppression of riots, tumults, disturbances or in the exercise of any of the duties of said office.

Any person neglecting or refusing to assist when thereto required, shall forfeit and pay a fine not exceeding five dollars and costs.

Copied from Town Records
October, 1981

[Signature]
Town Clerk
AN ORDINANCE TO ESTABLISH A RECREATION COMMITTEE

An ordinance of the Town of Machias, enacted at the Annual Town Meeting on March 22, 1974.

Section 1. Purpose and findings.

The Selectmen of the Town of Machias find that the supervision and administration of a municipal recreation program is essential to the protection of the public health and the promotion of the public welfare and that the creation of a Recreation Committee is necessary to accomplish this objective.

Section 2.

There is hereby created a recreation Committee for the Town in accordance with Title 30 MESA, 1917, Sec. 2256.

Section 3. Composition.

The Recreation Committee may consist of representatives from a variety of all levels in the town, who shall serve for terms of five years. The members shall be appointed by the municipal officers and vacancies shall be filled in the same manner. The members may be removed by the municipal officers. The members shall serve without compensation.

Section 4. Finances.

No warrant on any appropriation for recreation purposes shall be honored unless approved by the Recreation Committee.

Section 5. Jurisdiction.

The Recreation Committee shall have control and jurisdiction over public parks, playgrounds, recreation centers, public recreation facilities and other places which have previously, or may in the future, be set aside for the purpose of public recreation and given over to its control.''

Copied from Town Records
October, 1931

[Signature]
Town Clerk
The Board of Selectmen adopted the following ordinance:

**RESIDENCY REQUIREMENTS**

It shall be the policy of the Machias Board of Selectmen to have all full-time public safety and full-time public works employees (excepting C.E.T.A. employees) live within the corporate limits of Machias. The following regulations shall pertain:

1. All new or existing employees shall move to Machias within 120 days.

2. There shall be no exceptions or waivers given.

---

Excerpt from Board of Selectmen's Meeting - April 3, 1978

6. To consider changing resident requirement compliance with a 30 day waiver.

6) Motion made and approved to allow 60 days to move into Town with 30 day hardship waiver if requested and approved.

---

Excerpt from Board of Selectmen's Meeting - February 27, 1979

10. Residency requirement change to a 5 mile radius

10) Selectmen approved a 5 mile radius from the concrete bridge in Machias to include the confines of Machias for regular full-time employees, Police, Public Works, Fire Dept., not including C.E.T.A. employees.

---

Excerpt from Board of Selectmen's Meeting - March 6, 1979

5. To redefine the 5 mile radius requirement

5. Article #10 of the February 27, 1979 meeting was amended to read as the Article 8 c of the March 20, 1978 meeting:

"Residency Requirements" It shall be the policy of the Machias Board of Selectmen to have all full-time public safety and full-time public works employees (excepting C.E.T.A. Employees) live within the corporate limits of Machias. The following regulations shall pertain: 1. All new or existing employees shall move to Machias within 120 days. 2. There shall be no exceptions or waivers given.

This Article was redefined to read as follows: "Or a 5 mile radius from the concrete bridge in Machias to include the confines of Machias for regular full-time police, public works, and fire department employees - not including C.E.T.A. employees.

Copied from Town Records
October, 1981

[Signature]
Town Clerk
TOWN OF MACHIAS

Ordinance Restricting Vehicle Weight on Posted Ways

Section 1. Purpose and Authority
The purpose of this "Ordinance Restricting Vehicle Weight on Posted Ways" (hereinafter, the "Ordinance") is to prevent damage to town ways and bridges in the Town of Machias which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their maintenance and repair. This Ordinance is adopted pursuant to 30-A M.R.S.A. § 3009 and 29-A M.R.S.A. §§ 2395.

Section 2. Definitions
The definitions contained in Title 29-A M.R.S.A. shall govern the construction of words contained in this Ordinance. Any words not defined therein shall be given their common and ordinary meaning.

Section 3. Restrictions and Notices
The municipal officers may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in their judgment, be necessary to protect the traveling public and prevent abuse of the highways, and designate the town ways and bridges to which the restrictions shall apply.

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein.

The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signatures of the municipal officers. The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the traveled way.

Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices. No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

The Machias Board of Selectmen will provide notice of at least seven (7) days and a public hearing prior to implementing weight limit restrictions. Members of the public who regularly use the roadway or bridge may make their concerns known to the Board of Selectmen prior to their vote to restrict vehicle weight limits.

Section 4. Exemptions
Vehicles that are exempt from the Maine Department of Transportation's (Maine DOT) "Rules and Regulations Restricting Heavy Loads on Closed Ways" dated December 31, 1996 and amended on March 4, 1998, are exempt from this Ordinance. In addition, any vehicle delivering home heating fuel and operating in accordance with a permit issued by the Maine DOT under 29-A M.R.S.A. § 2395 (4) and, when necessary during a period of drought emergency declared by the governor, any vehicle transporting well-drilling equipment for the purpose of drilling a replacement well or for improving an existing well on property where that well is no longer supplying sufficient water for residential or agricultural purpose and operating in accordance with a permit issued by the Maine DOT under 29-A M.R.S.A. § 2395 (4-A).
Section 5. Permits
The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the municipal officers for a permit to operate on a posted way or bridge notwithstanding the restriction. The municipal officers may issue a permit only upon all of the following findings:
(a) no other route is reasonably available to the applicant;
(b) it is a matter of economic necessity and not mere convenience that the applicant use the way or bridge; and
(c) the applicant has tendered cash, a bond or other suitable security running to the municipality in an amount sufficient, in their judgment, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same.

Even if the municipal officers make the foregoing findings, they need not issue a permit if they determine the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage to a way or bridge maintained by the municipality. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the highways and bridges.

In determining whether to issue a permit, the municipal officers shall consider the following factors:
(a) the gross registered weight of the vehicle;
(b) the current and anticipated condition of the way or bridge;
(c) the number and frequency of vehicle trips proposed;
(d) the cost and availability of materials and equipment for repairs;
(e) the extent of use by other exempt vehicles; and
(f) such other circumstances as may, in their judgment, be relevant.

The municipal officers may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

Members of the public may request an appeal of the decision of the Board of Selectmen to the Maine Superior Court under Rule 80B of the Rules of Civil Procedure. Appeals must be filed within fourteen (14) days of the Board of Selectmen's decision.

Section 6. Administration and Enforcement
This Ordinance shall be administered and may be enforced by the municipal officers or their duly authorized designee [such as road commissioner, code enforcement officer or law enforcement officer].

The Selectmen's order designating one or more Town officials for this purpose shall state whether or not the official may issue permits under section 5 above; and whether the official concerned may initiate enforcement action in individual cases without prior approval from the Selectmen

Section 7. Penalties
Any violation of this Ordinance shall be a civil infraction subject to a fine of not less than $250.00 nor more than $1000.00. Each day's violation shall be deemed a separate offense. In addition to any fine, the municipality may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs. Prosecution shall be in the name of the municipality and shall be brought in the Maine District Court.
Section 8. Amendments
This Ordinance may be amended by the municipal officers at any properly noticed meeting.

Section 9. Severability; Effective Date
In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect. This Ordinance shall take effect immediately upon enactment by the municipal officers at any properly noticed meeting.

By: Machias Board of Selectmen  Adopted this date: 3/13 2013.

Amy V. Carter  Wanda Bay
Oleg Munchik  Glenn Davis
Cony Z. Upton

Attested by the Town Clerk on this date 3/22 2013 (seal)
SCHOOL BUDGET ADOPTION PROCEDURE ORDINANCE

Whereas the budget authority for the Town of Machias rests with the Town Meeting, the School Committee of the Town of Machias shall be required to present their recommended annual budget to the Board of Selectmen for inclusion in the annual warrant, no later than May 1st of the year in question. The School Committee will be required to present said budget to the Town Meeting in the format set forth herein. Said budget will contain one of the following indications from the School Committee, the Board of Selectmen and the Budget Committee: "recommends", "does not recommend" or "offers no recommendation". The Board of Selectmen shall included a summary of the school budget in the annual report of that year.

ARTICLE ____ To see if the Town will vote to authorize the School Committee to expend $______________ for the Elementary Program Department.

SCHOOL COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION. BUDGET COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION.

The budget for the Elementary Program Department represents the expenses for the Rose M. Gaffney School, including the instructional program, guidance, library and the principal’s office.

Personnel Services
- Principal (shared position) $__________
- Associate Principal $__________
- Guidance Counselor $__________
- Teaching Staff (Incl. Librarian) $__________
- Office Staff $__________
- Extra-curricular Stipends $__________

Fringe Benefits
- FICA/Medicare $__________
- Health Insurance $__________
- Worker's Compensation $__________
- Unemployment Insurance $__________
- Disability Insurance $__________

Professional Services
- Staff Development $__________
- Curriculum Development $__________
- Travel Expenses $__________
- Professional Dues & Fees $__________

Supplies and Materials
- Instr. Supplies, Books & Materials $__________
- Instructional Equipment $__________
- Office Supplies & Equipment $__________
- Equip. Maint./Contracted Services $__________

TOTAL ELEMENTARY PROGRAM $__________
ARTICLE ____ To see if the Town will vote to authorize the School Committee to expend $_______ for the Secondary Program Department.

SCHOOL COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION. BUDGET COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION.

The budget for the Secondary Program Department represents the expenses for Machias Memorial High School, including the instructional program, guidance, library, vocational and the principal’s office.

Personnel Services
Principal (shared position) $________
Associate Principal $________
Guidance Counselor $________
Teaching Staff (Incl. Librarian) $________
Office Staff $________
Extra-curricular Stipends $________

Fringe Benefits
FICA/Medicare $________
Health Insurance $________
Worker’s Compensation $________
Unemployment Insurance $________
Disability Insurance $________

Professional Services
Staff Development $________
Curriculum Development $________
Travel Expenses $________
Professional Dues & Fees $________

Supplies and Materials
Instr. Supplies, Books & Materials $________
Instructional Equipment $________
Office Supplies & Equipment $________
Equip. Maint./Contracted Services $________

TOTAL SECONDARY PROGRAM $________

ARTICLE ____ To see if the Town will vote to authorize the School Committee to expend $_______ for the Special Education Program Department (K-12).

SCHOOL COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION. BUDGET COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION.

The budget for the Special Education Program Department (K-12) represents the expenses for the special education instructional program, speech services, administration and professional services. _____% of the special education administration and speech services is reimbursed by the six towns in the School Union. Some individual services are reimbursed by the towns or the State.
<table>
<thead>
<tr>
<th>Personnel Services</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Education Director</td>
<td></td>
</tr>
<tr>
<td>Teaching Staff</td>
<td></td>
</tr>
<tr>
<td>Professional Support Staff</td>
<td></td>
</tr>
<tr>
<td>Contracted Services</td>
<td></td>
</tr>
<tr>
<td>Educational Technicians</td>
<td></td>
</tr>
<tr>
<td>Office Staff</td>
<td></td>
</tr>
<tr>
<td>Fringe Benefits</td>
<td></td>
</tr>
<tr>
<td>FICA/Medicare</td>
<td>$</td>
</tr>
<tr>
<td>Health Insurance</td>
<td>$</td>
</tr>
<tr>
<td>Worker's Compensation</td>
<td>$</td>
</tr>
<tr>
<td>Unemployment Insurance</td>
<td>$</td>
</tr>
<tr>
<td>Disability Insurance</td>
<td>$</td>
</tr>
<tr>
<td>Professional Services</td>
<td></td>
</tr>
<tr>
<td>Staff Development</td>
<td>$</td>
</tr>
<tr>
<td>Curriculum Development</td>
<td>$</td>
</tr>
<tr>
<td>Travel Expenses</td>
<td>$</td>
</tr>
<tr>
<td>Professional Dues &amp; Fees</td>
<td>$</td>
</tr>
<tr>
<td>Supplies and Materials</td>
<td></td>
</tr>
<tr>
<td>Instr. Supplies, Books &amp; Materials</td>
<td>$</td>
</tr>
<tr>
<td>Instructional Equipment</td>
<td>$</td>
</tr>
<tr>
<td>Office Supplies &amp; Equipment</td>
<td>$</td>
</tr>
<tr>
<td>Equip. Maint./Contracted Services</td>
<td>$</td>
</tr>
</tbody>
</table>

**TOTAL SPECIAL EDUCATION PROGRAM** $       

**ARTICLE** __________  To see if the Town will vote to authorize the School Committee to expend $__________ for the Transportation and Building Maintenance Department. 

**SCHOOL COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION. BUDGET COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION.**

The budget for the Transportation and Building Maintenance Department represents the expenses for operating and maintaining the school buses, and the school buildings and grounds.

<table>
<thead>
<tr>
<th>Personnel Services</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative (Machias)</td>
<td>$</td>
</tr>
<tr>
<td>Custodial</td>
<td>$</td>
</tr>
<tr>
<td>Bus Drivers</td>
<td>$</td>
</tr>
<tr>
<td>Fringe Benefits</td>
<td></td>
</tr>
<tr>
<td>FICA/Medicare</td>
<td>$</td>
</tr>
<tr>
<td>Health Insurance</td>
<td>$</td>
</tr>
<tr>
<td>Worker's Compensation</td>
<td>$</td>
</tr>
<tr>
<td>Unemployment Insurance</td>
<td>$</td>
</tr>
<tr>
<td>Professional Development</td>
<td></td>
</tr>
<tr>
<td>Training</td>
<td>$</td>
</tr>
<tr>
<td>Travel Expenses</td>
<td>$</td>
</tr>
<tr>
<td>Professional Dues &amp; Fees</td>
<td>$</td>
</tr>
</tbody>
</table>
Supplies and Materials
- Repairs, Maint, Site Impr. Materials $________
- Cleaning/Paper Supplies $________
- Gasoline $________
- Equipment $________

Other Services and Expenses
- Principal/Interest $________
- Contracted Maint. Services $________
- Truck/Bus Leases $________
- Required Physicals & Drug Testing $________

Utilities
- Heat $________
- Electricity $________
- Sewer $________
- Water $________
- Telephones $________

Insurance
- Building General Liability $________

TOTAL TRANS. & BUILDING MAINT. $________

ARTICLE _____ To see if the Town will vote to authorize the School Committee to expend $________ for the Food Services Department.

SCHOOL COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION. BUDGET COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION.

The budget for the Food Services Department represents the expenditures not covered by income from the School Food Services Program.

Other Services & Expenses
- Local Support of Food Services $________

TOTAL FOOD SERVICES $________

ARTICLE _____ To see if the Town will vote to authorize the School Committee to expend $________ for the School Board Department.

SCHOOL COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION. BUDGET COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION.

The budget for the School Board Department represents the expenses of the Board for legal and other professional services.
### Professional Services & Other Expenses

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal</td>
<td>$</td>
</tr>
<tr>
<td>Audit</td>
<td>$</td>
</tr>
<tr>
<td>Advertising</td>
<td>$</td>
</tr>
<tr>
<td>Professional Development</td>
<td>$</td>
</tr>
<tr>
<td>Liability Insurance</td>
<td>$</td>
</tr>
<tr>
<td>Dues and Fees</td>
<td>$</td>
</tr>
<tr>
<td>Misc. Expenses</td>
<td>$</td>
</tr>
</tbody>
</table>

**TOTAL SCHOOL BOARD EXPENSES** $_____

---

**ARTICLE _____** To see if the Town will vote to authorize the School Committee to expend $__________ for the General Administration Department.

SCHOOL COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION. BUDGET COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION.

The budget for the General Administration department represents the expenses for the Superintendent's office. These expenses are reimbursed _____% by the six towns in the School Union.

### Personnel Services

<table>
<thead>
<tr>
<th>Position</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superintendent</td>
<td>$</td>
</tr>
<tr>
<td>Administrative Asst.</td>
<td>$</td>
</tr>
<tr>
<td>Office Staff</td>
<td>$</td>
</tr>
</tbody>
</table>

### Fringe Benefits

<table>
<thead>
<tr>
<th>Benefit</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>FICA/Medicare</td>
<td>$</td>
</tr>
<tr>
<td>Health Insurance</td>
<td>$</td>
</tr>
<tr>
<td>Worker's Compensation</td>
<td>$</td>
</tr>
<tr>
<td>Unemployment Insurance</td>
<td>$</td>
</tr>
<tr>
<td>Disability Insurance</td>
<td>$</td>
</tr>
</tbody>
</table>

### Professional Services

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professional Development</td>
<td>$</td>
</tr>
<tr>
<td>Travel Expenses</td>
<td>$</td>
</tr>
<tr>
<td>Professional Dues &amp; Fees</td>
<td>$</td>
</tr>
</tbody>
</table>

### Supplies and Materials

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office Supplies</td>
<td>$</td>
</tr>
<tr>
<td>Equip. Maint./Contracted Serv.</td>
<td>$</td>
</tr>
<tr>
<td>Postage</td>
<td>$</td>
</tr>
<tr>
<td>Equipment</td>
<td>$</td>
</tr>
</tbody>
</table>

### Other Services and Expenses

<table>
<thead>
<tr>
<th>Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal</td>
<td>$</td>
</tr>
<tr>
<td>Advertising</td>
<td>$</td>
</tr>
</tbody>
</table>

### Utilities

<table>
<thead>
<tr>
<th>Utility</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heat</td>
<td>$</td>
</tr>
<tr>
<td>Electricity</td>
<td>$</td>
</tr>
<tr>
<td>Telephones</td>
<td>$</td>
</tr>
</tbody>
</table>

### Insurance

<table>
<thead>
<tr>
<th>Type</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building General Liability</td>
<td>$</td>
</tr>
</tbody>
</table>

**TOTAL GENERAL ADMINISTRATION** $_____

---
ARTICLE _____ To see if the Town will vote to authorize the School Committee to expend $______ for Debt Service and Contingency.

SCHOOL COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION. BUDGET COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION.

Debt Service represents the principal and interest payments on the renovation of the Gaffney School and the High School gym and the lease for the Superintendent's Office. This principal and interest payment marks the ____ year of a twenty-year bond. Contingency funds are funds set aside for totally unforeseen needs and can be used in any part of the budget. If the funds are not needed, they become part of the receipts which offset the following year's budget.

Debt Service - Principal $______
Debt Service - Interest $______
Debt Service - Lease $______
Contingency $______
Total Debt Service & Contingency $______

ARTICLE _____ To see if the Town will vote to appropriate from the Foundation Allocation for School Purposes the sum of $______ and to see if the Town will vote to raise the sum of $______ as the local share of the Foundation Allocation.

SCHOOL COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION. BUDGET COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION.

The Foundation Allocation ($______) is the basic State-determined amount to which the School subsidy formula is applied. When the formula is applied to this total, the State's share amounts to $______ and the Machias share amounts to $______. A yes vote authorizes the Town to appropriate the total amount and to raise the Machias share of $______

ARTICLE _____ To see if the Town will vote to appropriate from the Debt Service Allocation the sum of $______ and to see if the town will vote to raise the sum of $______ as the local share of Debt Service.

SCHOOL COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION. BUDGET COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION.

The State applies the same subsidy formula to the Machias Debt Service of $______. A yes vote authorizes the town to appropriate the total amount and to raise the Machias share of $______
ARTICLE _____ To see if the Town will vote to raise and appropriate the sum of $__________ in additional local funds under the provisions of 20-A MRSA, §15614.

SCHOOL COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION. BUDGET COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION.

When the total budget calls for more funds than are provided by the Foundation Allocation and the Debt Service Allocation, Section 15614 of Title 20-A of the Maine Revised Statutes Annotated provides that Towns can raise additional funds. These additional funds are needed to balance receipts with expenses. A yes vote authorizes the Town to raise the needed $__________

ARTICLE _____ To see if the Town will vote to authorize the school committee to expend a sum not to exceed $__________ for the fiscal year beginning July 1, 19__ and ending June 30 19__. from foundation allocation, debt service allocation, unexpended balances, tuition receipts, local appropriations, state subsidy, and other receipts for the support of schools.

SCHOOL COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION. BUDGET COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION.

This last legal step authorizes the School Committee to expend the money raised by all sources, up to the amount of the bottom line of the budget or $__________.

Title 20-A, Section 15617, Paragraph 1 requires the following statement: This budget does not include the estimated amount of $__________ in employer share of teacher retirement costs that is paid directly by the state.

ARTICLE _____ To see if the Town will vote to raise and appropriate the sum of $__________ for the Adult Education Department.

SCHOOL COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION. BUDGET COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION.

State law requires that sums for Adult Education be raised in a separate warrant article.

ARTICLE _____ To see if the Town will vote to raise and appropriate the sum of $__________ for the Adult Basic Education Department.

SCHOOL COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION. BUDGET COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION.
ARTICLE ______ In addition to the amount in Article ___, shall the Town appropriate and authorize the School Committee to expend additional state, federal and other funds received during the fiscal year for school purposes and/or adult education, provided that such additional funds do not require the expenditure of local funds not previously appropriated?

SCHOOL COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION. BUDGET COMMITTEE RECOMMENDS, DOES NOT RECOMMEND, OFFERS NO RECOMMENDATION.

Approval of the School Budget by the Town Meeting shall fix the appropriation for each of the above departments - as presented in the individual articles. The School Committee shall not authorize the transfer of sums appropriated in one department (article) to another without prior approval of the Town Meeting, and monies will not be transferred into personnel services and fringe benefits from other areas within a department (article) without prior approval of the Board of Selectmen or a special town meeting, as appropriate.

Certified: ___________________________ Date: 07/29/96

[Signatures]

Machias Board of Selectmen

Attest:

A true copy of an ordinance entitled "The School Budget Adoption Procedure Ordinance of the Town of Machias", as certified to me by the Board of Selectmen of Machias on the 29th day of July, 1996.

[Signature]

Joline M. Hooper
Town Clerk
SEWER USE ORDINANCE
FOR
TOWN OF MACHIAS, MAINE

March 25, 2000
Amended June 13, 2012
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Purpose of the Ordinance</td>
<td>2</td>
</tr>
<tr>
<td>100.0</td>
<td>Definitions</td>
<td>2</td>
</tr>
<tr>
<td>200.0</td>
<td>Proper Disposal of Sewage Required</td>
<td>7</td>
</tr>
<tr>
<td>200.1</td>
<td>Unlawful disposal</td>
<td>7</td>
</tr>
<tr>
<td>200.2</td>
<td>Unlawful discharge</td>
<td>8</td>
</tr>
<tr>
<td>200.3</td>
<td>Unlawful facilities</td>
<td>8</td>
</tr>
<tr>
<td>200.4</td>
<td>Required connections</td>
<td>8</td>
</tr>
<tr>
<td>300.0</td>
<td>Private Sewage Disposal</td>
<td>8</td>
</tr>
<tr>
<td>300.1</td>
<td>Private subsurface disposal system</td>
<td>8</td>
</tr>
<tr>
<td>300.2</td>
<td>Permit required for private system</td>
<td>8</td>
</tr>
<tr>
<td>300.3</td>
<td>Required inspections</td>
<td>9</td>
</tr>
<tr>
<td>300.4</td>
<td>Operation and maintenance</td>
<td>9</td>
</tr>
<tr>
<td>300.5</td>
<td>Additional requirements</td>
<td>9</td>
</tr>
<tr>
<td>300.6</td>
<td>Public connection/private system closed</td>
<td>9</td>
</tr>
<tr>
<td>300.7</td>
<td>Disposal at treatment plant</td>
<td>9</td>
</tr>
<tr>
<td>300.8</td>
<td>Industrial waste disposal</td>
<td>9</td>
</tr>
<tr>
<td>400.0</td>
<td>Building Sewers and Connections</td>
<td>9</td>
</tr>
<tr>
<td>400.1</td>
<td>Permit required for public system</td>
<td>9</td>
</tr>
<tr>
<td>400.2</td>
<td>Classification of sewer permits</td>
<td>10</td>
</tr>
<tr>
<td>400.3</td>
<td>Individual sewer hookups</td>
<td>10</td>
</tr>
<tr>
<td>400.4</td>
<td>Use of older sewer materials</td>
<td>10</td>
</tr>
<tr>
<td>400.5</td>
<td>Sewer specifications</td>
<td>10</td>
</tr>
<tr>
<td>400.6</td>
<td>Diameter and slope of sewer</td>
<td>11</td>
</tr>
<tr>
<td>400.7</td>
<td>Depth of new sewer</td>
<td>11</td>
</tr>
<tr>
<td>400.8</td>
<td>Backfill required</td>
<td>11</td>
</tr>
<tr>
<td>400.9</td>
<td>Pumping to municipal line</td>
<td>11</td>
</tr>
<tr>
<td>400.10</td>
<td>Excavation requirements</td>
<td>11</td>
</tr>
<tr>
<td>400.11</td>
<td>Joints and connections</td>
<td>12</td>
</tr>
<tr>
<td>400.12</td>
<td>Connection of building sewer</td>
<td>12</td>
</tr>
<tr>
<td>400.13</td>
<td>Inspection notification</td>
<td>12</td>
</tr>
<tr>
<td>400.14</td>
<td>Manhole requirements</td>
<td>13</td>
</tr>
<tr>
<td>400.15</td>
<td>Excavation barricades</td>
<td>13</td>
</tr>
<tr>
<td>400.16</td>
<td>Pressure tolerances</td>
<td>13</td>
</tr>
<tr>
<td>400.17</td>
<td>Restrictions of groundwater</td>
<td>13</td>
</tr>
<tr>
<td>400.18</td>
<td>Watertight drain covers required</td>
<td>13</td>
</tr>
<tr>
<td>Section</td>
<td>Title</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>-----------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>400.19</td>
<td>Drain venting</td>
<td>13</td>
</tr>
<tr>
<td>400.20</td>
<td>Gravity flow assistance</td>
<td>13</td>
</tr>
<tr>
<td>400.21</td>
<td>No connection to force main sewer</td>
<td>14</td>
</tr>
<tr>
<td>400.22</td>
<td>In-line water meter required</td>
<td>14</td>
</tr>
<tr>
<td>500.0</td>
<td>Sewer Extensions</td>
<td>14</td>
</tr>
<tr>
<td>500.1</td>
<td>Sewer extensions described</td>
<td>14</td>
</tr>
<tr>
<td>500.2</td>
<td>Extension installed by a developer</td>
<td>14</td>
</tr>
<tr>
<td>500.3</td>
<td>Professional engineer designs</td>
<td>15</td>
</tr>
<tr>
<td>500.4</td>
<td>Standards for sewer design</td>
<td>15</td>
</tr>
<tr>
<td>500.4.1</td>
<td>Pipe material</td>
<td>15</td>
</tr>
<tr>
<td>500.4.1.1</td>
<td>Joints</td>
<td>15</td>
</tr>
<tr>
<td>500.4.1.2</td>
<td>Internal pipe diameter</td>
<td>15</td>
</tr>
<tr>
<td>500.4.1.3</td>
<td>Branch fittings</td>
<td>15</td>
</tr>
<tr>
<td>500.4.1.4</td>
<td>Horizontal installation</td>
<td>15</td>
</tr>
<tr>
<td>500.4.2</td>
<td>Pipe slope</td>
<td>16</td>
</tr>
<tr>
<td>500.4.3</td>
<td>Pipe bedding materials</td>
<td>16</td>
</tr>
<tr>
<td>500.4.3.1</td>
<td>Standards for screened stone</td>
<td>16</td>
</tr>
<tr>
<td>500.4.3.2</td>
<td>Standards for crushed stone</td>
<td>17</td>
</tr>
<tr>
<td>500.4.3.3</td>
<td>Depths of fill</td>
<td>17</td>
</tr>
<tr>
<td>500.4.4</td>
<td>Backfill material requirements</td>
<td>17</td>
</tr>
<tr>
<td>500.4.4.1</td>
<td>Backfill standards</td>
<td>17</td>
</tr>
<tr>
<td>500.4.4.2</td>
<td>Excavation requirements</td>
<td>18</td>
</tr>
<tr>
<td>500.4.5</td>
<td>Manhole</td>
<td>18</td>
</tr>
<tr>
<td>500.4.5.1</td>
<td>Components of manholes</td>
<td>18</td>
</tr>
<tr>
<td>500.4.5.2</td>
<td>Mortar standards</td>
<td>18</td>
</tr>
<tr>
<td>500.4.5.3</td>
<td>Manhole steps</td>
<td>18</td>
</tr>
<tr>
<td>500.4.5.4</td>
<td>Manhole covers</td>
<td>18</td>
</tr>
<tr>
<td>500.4.5.5</td>
<td>Pipe sleeves</td>
<td>19</td>
</tr>
<tr>
<td>500.4.5.6</td>
<td>Manhole bases</td>
<td>19</td>
</tr>
<tr>
<td>500.4.5.7</td>
<td>Manhole inverts</td>
<td>19</td>
</tr>
<tr>
<td>500.4.5.8</td>
<td>Install frames and covers</td>
<td>19</td>
</tr>
<tr>
<td>500.4.5.9</td>
<td>Vacuum tests</td>
<td>20</td>
</tr>
<tr>
<td>500.5</td>
<td>Sewer main tests</td>
<td>20</td>
</tr>
<tr>
<td>500.5.1</td>
<td>Testing described</td>
<td>20</td>
</tr>
<tr>
<td>500.5.2</td>
<td>Table of air Test durations</td>
<td>21</td>
</tr>
<tr>
<td>500.5.3</td>
<td>Deflection measurements</td>
<td>21</td>
</tr>
<tr>
<td>500.6</td>
<td>Non-issuance of permit by developer</td>
<td>22</td>
</tr>
<tr>
<td>500.7</td>
<td>Connection to town facilities</td>
<td>22</td>
</tr>
<tr>
<td>600.0</td>
<td>Use of Public Sewers</td>
<td>22</td>
</tr>
<tr>
<td>600.1</td>
<td>Non connection for groundwater</td>
<td>22</td>
</tr>
<tr>
<td>600.2</td>
<td>Storm sewer use</td>
<td>22</td>
</tr>
<tr>
<td>600.3</td>
<td>Prohibited discharges</td>
<td>22</td>
</tr>
<tr>
<td>Section</td>
<td>Title</td>
<td>Page</td>
</tr>
<tr>
<td>-----------</td>
<td>------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>600.3.1</td>
<td>Temperature standard</td>
<td>22</td>
</tr>
<tr>
<td>600.3.2</td>
<td>Fats, grease, oil contaminants</td>
<td>22</td>
</tr>
<tr>
<td>600.3.3</td>
<td>Soluble fats, grease, oil contaminants</td>
<td>23</td>
</tr>
<tr>
<td>600.3.4</td>
<td>Petroleum-based contaminants</td>
<td>23</td>
</tr>
<tr>
<td>600.3.5</td>
<td>Noxious gas contaminants</td>
<td>23</td>
</tr>
<tr>
<td>600.3.6</td>
<td>Garbage contaminants</td>
<td>23</td>
</tr>
<tr>
<td>600.3.7</td>
<td>Bulk solid contaminants</td>
<td>23</td>
</tr>
<tr>
<td>600.3.8</td>
<td>Corrosive contaminants</td>
<td>23</td>
</tr>
<tr>
<td>600.3.9</td>
<td>Radioactive contaminants</td>
<td>23</td>
</tr>
<tr>
<td>600.3.10</td>
<td>&quot;Slug&quot;</td>
<td>23</td>
</tr>
<tr>
<td>600.3.11</td>
<td>Storm water contaminants</td>
<td>24</td>
</tr>
<tr>
<td>600.3.12</td>
<td>Toxic contaminant limits</td>
<td>24</td>
</tr>
<tr>
<td>600.3.13</td>
<td>Pickling/plating waste contaminants</td>
<td>25</td>
</tr>
<tr>
<td>600.3.14</td>
<td>Phenols contaminants</td>
<td>25</td>
</tr>
<tr>
<td>600.3.15</td>
<td>Untreatable contaminants</td>
<td>25</td>
</tr>
<tr>
<td>600.3.16</td>
<td>Biological process inhibitor contaminants</td>
<td>25</td>
</tr>
<tr>
<td>600.3.17</td>
<td>Dissolved solids, dye contaminants</td>
<td>25</td>
</tr>
<tr>
<td>600.3.18</td>
<td>Inert/organic suspended solids</td>
<td>25</td>
</tr>
<tr>
<td>600.3.19</td>
<td>Increased toxicity contaminants</td>
<td>25</td>
</tr>
<tr>
<td>600.3.20</td>
<td>Boiler blow-off contaminants</td>
<td>25</td>
</tr>
<tr>
<td>600.3.21</td>
<td>Septage process discharge</td>
<td>25</td>
</tr>
<tr>
<td>600.4</td>
<td>BOD standards</td>
<td>26</td>
</tr>
<tr>
<td>600.5</td>
<td>Standards for water characteristics</td>
<td>26</td>
</tr>
<tr>
<td>600.6</td>
<td>Individualized agreements</td>
<td>26</td>
</tr>
<tr>
<td>600.7</td>
<td>Application of standards</td>
<td>26</td>
</tr>
<tr>
<td>600.8</td>
<td>Town options for illegal dumping</td>
<td>27</td>
</tr>
<tr>
<td>600.8.1</td>
<td>Rejection of materials</td>
<td>27</td>
</tr>
<tr>
<td>600.8.2</td>
<td>Required pre-treatment</td>
<td>27</td>
</tr>
<tr>
<td>600.8.3</td>
<td>Quantities and rates of discharge</td>
<td>27</td>
</tr>
<tr>
<td>600.8.4</td>
<td>Payments</td>
<td>27</td>
</tr>
<tr>
<td>700.0</td>
<td>Pretreatment and Permitting of</td>
<td>27</td>
</tr>
<tr>
<td></td>
<td>Industrial and Unusual Wastes</td>
<td></td>
</tr>
<tr>
<td>700.1</td>
<td>Industrial use of sewage system</td>
<td>27</td>
</tr>
<tr>
<td>700.1.1</td>
<td>No federal violations</td>
<td>27</td>
</tr>
<tr>
<td>700.1.2</td>
<td>No upset to plant processes</td>
<td>27</td>
</tr>
<tr>
<td>700.1.3</td>
<td>No untreatable materials</td>
<td>28</td>
</tr>
<tr>
<td>700.1.4</td>
<td>No contaminated materials</td>
<td>28</td>
</tr>
<tr>
<td>700.1.5</td>
<td>No creation of hazardous conditions</td>
<td>28</td>
</tr>
<tr>
<td>700.1.6</td>
<td>Equitable allocation of fees</td>
<td>28</td>
</tr>
<tr>
<td>700.2</td>
<td>Owner provided equalizers</td>
<td>28</td>
</tr>
<tr>
<td>700.3</td>
<td>Suitable control devices</td>
<td>28</td>
</tr>
<tr>
<td>700.4</td>
<td>No diluting discharges</td>
<td>28</td>
</tr>
<tr>
<td>700.5</td>
<td>Grease, oil, sand interceptors</td>
<td>29</td>
</tr>
<tr>
<td>Section</td>
<td>Title</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>--------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>700.6</td>
<td>Interceptors maintenance</td>
<td>29</td>
</tr>
<tr>
<td>700.7</td>
<td>Categorical pretreatment standards</td>
<td>29</td>
</tr>
<tr>
<td>700.8</td>
<td>Local limits</td>
<td>29</td>
</tr>
<tr>
<td>700.9</td>
<td>Waster water surveys</td>
<td>29</td>
</tr>
<tr>
<td>700.9.1</td>
<td>Survey form identification</td>
<td>30</td>
</tr>
<tr>
<td>700.9.2</td>
<td>SIC code of user</td>
<td>30</td>
</tr>
<tr>
<td>700.9.3</td>
<td>Waste water constituents</td>
<td>30</td>
</tr>
<tr>
<td>700.9.4</td>
<td>Time and duration of discharges</td>
<td>30</td>
</tr>
<tr>
<td>700.9.5</td>
<td>Flow rates</td>
<td>30</td>
</tr>
<tr>
<td>700.9.6</td>
<td>User premise plan</td>
<td>30</td>
</tr>
<tr>
<td>700.9.7</td>
<td>Discharge materials</td>
<td>30</td>
</tr>
<tr>
<td>700.9.8</td>
<td>Prohibited materials nature/concentration</td>
<td>31</td>
</tr>
<tr>
<td>700.9.9</td>
<td>Product identification</td>
<td>31</td>
</tr>
<tr>
<td>700.10</td>
<td>Signed disclosure forms</td>
<td>31</td>
</tr>
<tr>
<td>700.11</td>
<td>Additional information</td>
<td>31</td>
</tr>
<tr>
<td>700.12</td>
<td>Discharge permit required</td>
<td>32</td>
</tr>
<tr>
<td>700.13</td>
<td>Conditions for permits</td>
<td>32</td>
</tr>
<tr>
<td>700.14</td>
<td>Length of discharge permit</td>
<td>32</td>
</tr>
<tr>
<td>700.15</td>
<td>Specificity of permit</td>
<td>32</td>
</tr>
<tr>
<td>700.16</td>
<td>Permit specifications</td>
<td>33</td>
</tr>
<tr>
<td>700.17</td>
<td>Waste water discharge parameters</td>
<td>33</td>
</tr>
<tr>
<td>700.18</td>
<td>Installation requirements</td>
<td>33</td>
</tr>
<tr>
<td>700.19</td>
<td>Town modifications of permits</td>
<td>33</td>
</tr>
<tr>
<td>700.20</td>
<td>Advance notice</td>
<td>33</td>
</tr>
<tr>
<td>700.21</td>
<td>Hazardous waste discharge/slug control plan</td>
<td>33</td>
</tr>
<tr>
<td>700.21.1</td>
<td>Description of discharge practices</td>
<td>33</td>
</tr>
<tr>
<td>700.21.2</td>
<td>Stored chemicals</td>
<td>33</td>
</tr>
<tr>
<td>700.21.3</td>
<td>Notifications for accidental discharges</td>
<td>33</td>
</tr>
<tr>
<td>700.21.4</td>
<td>Procedures to prevent accidental discharges</td>
<td>34</td>
</tr>
<tr>
<td>700.21.5</td>
<td>Notification of Plant Operator</td>
<td>34</td>
</tr>
<tr>
<td>700.22</td>
<td>Schedule of additional pretreatment, operations or maintenance</td>
<td>34</td>
</tr>
<tr>
<td>700.23</td>
<td>Reports from significant industrial users</td>
<td>34</td>
</tr>
<tr>
<td>700.24</td>
<td>Notification of changes</td>
<td>35</td>
</tr>
<tr>
<td>700.25</td>
<td>Violations found though sampling</td>
<td>35</td>
</tr>
<tr>
<td>800.0</td>
<td>Ordinance Compliance Monitoring</td>
<td>36</td>
</tr>
<tr>
<td>800.1</td>
<td>LPI Right of Entry</td>
<td>36</td>
</tr>
<tr>
<td>800.2</td>
<td>Entry via easements</td>
<td>36</td>
</tr>
<tr>
<td>800.3</td>
<td>User bears costs of sampling</td>
<td>36</td>
</tr>
<tr>
<td>800.4</td>
<td>Monitoring equipment</td>
<td>37</td>
</tr>
<tr>
<td>800.5</td>
<td>Record keeping</td>
<td>37</td>
</tr>
<tr>
<td>800.6</td>
<td>Public inspection of records</td>
<td>37</td>
</tr>
<tr>
<td>800.7</td>
<td>Administrative inspection warrant</td>
<td>38</td>
</tr>
<tr>
<td>Section</td>
<td>Title</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>-------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>900.0</td>
<td>Protection from damage</td>
<td>38</td>
</tr>
<tr>
<td>900.1</td>
<td>Willful damage</td>
<td>38</td>
</tr>
<tr>
<td>900.2</td>
<td>Certificate of Insurance requirement</td>
<td>38</td>
</tr>
<tr>
<td>1000.0</td>
<td>Sewer charges</td>
<td>38</td>
</tr>
<tr>
<td>1000.1</td>
<td>Sewer service charges</td>
<td>38</td>
</tr>
<tr>
<td>1000.2</td>
<td>Board of Selectman sets fees</td>
<td>39</td>
</tr>
<tr>
<td>1000.3</td>
<td>Special sewer charge</td>
<td>39</td>
</tr>
<tr>
<td>1000.4</td>
<td>Interest charged</td>
<td>39</td>
</tr>
<tr>
<td>1100.0</td>
<td>Enforcement</td>
<td>39</td>
</tr>
<tr>
<td>1100.1</td>
<td>Nuisances</td>
<td>39</td>
</tr>
<tr>
<td>1100.2</td>
<td>Notification</td>
<td>39</td>
</tr>
<tr>
<td>1100.3</td>
<td>Legal action</td>
<td>40</td>
</tr>
<tr>
<td>1100.4</td>
<td>Penalty</td>
<td>40</td>
</tr>
<tr>
<td>1200.0</td>
<td>Conflict with other ordinances</td>
<td>40</td>
</tr>
<tr>
<td>1300.0</td>
<td>Severability</td>
<td>41</td>
</tr>
</tbody>
</table>
The purpose of this Ordinance is to promote the health and general welfare of the citizens of the Town of Machias by regulating and restricting the construction and use of sewerage systems and the accumulation, transportation, treatment and disposal of sewage in such a manner that the creation of any sewerage system, whether public, private, or industrial, shall not result in pollution, health hazard, or other nuisance. Hereafter, any person owning any building or structure with in the town of Machias which is the source of sewage and/or industrial wastes, or who proposes to erect such building or structure, shall conform to the requirements of this Ordinance.

SECTION 100.0 - DEFINITIONS

"BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) days at 20 degrees C, expressed in milligrams per liter, as determined by test methods defined in Standard Methods.

"Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning eight (8) feet outside the inner face of the building wall.

"Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

"Categorical User" shall mean any user of the Town’s waste water treatment system whose dischargers are regulated under 40 CFR Part 403 and 40 CFR Parts 405-471, or who is otherwise subject to U.S. EPA pre-treatment requirements as a categorical user.

"Chlorine Demand" shall mean the amount of chlorine required to destroy all pathogenic organisms present and oxidize all organic, inorganic and ammonia-based compounds in a sewage stream.

"Town" shall mean the Town of Machias acting through its Selectmen, manager, superintendent, plant operator, employees, code enforcement officer, plumbing inspector, or other duly authorized agent.

"Selectmen" shall mean the duly elected Board of Selectmen of the Town of Machias.

"Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
SECTION 100.0 - DEFINITIONS - continued

“Developer” shall mean any person or persons who undertake to construct simultaneously, or in planned sequence, more than one housing unit on a given tract or land subdivision, or other land development which is to be connected to the Municipal Sewer System.

“Engineer” shall mean a Professional Engineer retained as Town Engineer or Consulting Engineer and retained or appointed by the Machias Town Manager.

“Excessive” shall mean masses or concentrations of a constituent in a Sanitary or industrial waste water which, in the judgment of the Town: (a) will cause damage to any facility, (b) will be harmful to any waste water treatment process, (c) cannot be properly removed in the Town’s treatment facilities, (d) may inhibit the final disposal or reuse of the treatment plant’s sludge residuals, (e) can otherwise endanger life or property, or (f) can constitute a nuisance.

“Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

“Industrial user” shall mean a person who discharges industrial waste to the POTW of the Town.

“Industrial Wastes” shall mean the liquid or solid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary waste water. Industrial wastes may or may not be discharged separately from sanitary waste waters. For a combined discharge, the Town shall determine if the discharge meets the definition of “industrial wastes”.

“Interference” shall mean a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the sewage works, its treatment processes or operations or its sludge processes, use or disposal; and therefore is a cause of a violation of the Town’s NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent State or local regulations: Section 405 of the act; the Solid Waste Disposal Act, including Title II commonly referred to as RCRA; any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the clean Air Act; the Toxics Substances Control Act; the Marine Protection, Research, and Sanctuaries Act; 40 CFR Part 503 Standards for Sewage Sludge Use and Disposal and RSA 485-A: 4, XVI-a.
SECTION 100.0 – DEFINITIONS – continued

"National Pollutant Discharge Elimination System Permit or NPDES Permit" shall mean a permit issued to the Town pursuant to Section 402 of the Act (33 U.S.C. 1342).

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

"Objectionable Waste" shall mean waste that has the demonstrated potential to adversely affect public health or pollute ground and/or surface water.

"Owner" shall mean both the person who is the vested holder of title for any real estate and all tenants, lessees, or others in control or use of the property in question. Excluded from this definition is a mortgagee of the property in question unless the mortgagee exercises his mortgage rights and becomes an owner.

"Pass Through" shall mean a discharge that exits the sewage works into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Town's NPDES permit, including an increase in the magnitude or duration of a violation.

"Person" shall mean any individual, firm, company, association, partnership, society, corporation, or group.

"PH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"Plant Operator" shall mean the Superintendent or operator of the Town facilities, or his authorized deputy, agent, or representative, all acting for the Town Selectmen.

"Plumbing Inspector" shall mean the Plumbing Inspector of the Town Of Machias, Maine.

"Pretreatment" shall be the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in waste water prior to, or in lieu of, introducing such pollutants into the sewage works. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of pollutants unless allowed by the applicable pretreatment standard.
SECTION 100.0 – DEFINITIONS – continued

"Pretreatment Requirements" shall be any substantive or procedural requirement related to pretreatment imposed on the user, other than pretreatment standard.

“Pretreatment standard or standards” shall mean prohibited discharge standards, (categorical pretreatment standards), and local limits.

“Private Sewer Systems” shall mean any sewer that collects wastewater from two or more building sewers, owned separately, and discharging to a public sanitary sewer. Private sewer systems are not permitted except by specific agreement with the Town.

“Properly Shredded Garbage” shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.

“Public Sewer” shall mean a sewer in which all owners of abutting properties have equal rights, and is owned by the Town.

“Sanitary Sewer” shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

“Septage” shall mean the mixture of liquids and solid matters removed from septic tanks during normal cleaning.

“Sanitary Waste Water” shall mean the liquid waste discharge from a building’s or structure’s sanitary fixtures, such as toilets, washrooms, urinals, sinks, showers, small laundries, and from kitchens and cafeterias essentially free of industrial wastes or toxic materials. Sanitary waste water may or may not be discharged separately from industrial waste water. For a combined discharge the Town shall determine if a waste water discharge meets the definition “sanitary waste water”.

“Sewage” (sometimes termed “Waste water” or “waste”) shall mean a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, and storm water as may be present.

“Sewage Treatment Plant or Water Pollution Control Plant” shall mean any arrangement of devices and structures used for treating sewage and industrial waste.
SECTION 100.0 – DEFINITIONS – continued

"Sewage Works" shall mean all municipal facilities for collecting, pumping, treating and disposing of sewage.

"Sewer" shall mean a pipe or conduct for carrying sewage.

"Shall" is mandatory; "May" is permissive.

"Significant Industrial User" shall mean a user subject to categorical pretreatment standards; or a user that (a) discharges an average of 10,000 gpd or more of process waste water to the sewage works, excluding sanitary, non-contact cooling, and boiler blow down waste water; or (b) contributing a process waste stream which makes up two percent (2%) of more of the average dry weather hydraulic or organic capacity of the sewage works; or (c) is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the sewage works.

"Significant Non-compliance or SNC" shall mean that an industrial user is in significant non-compliance if its violation meets one or more of the following criteria:

a.) Chronic Violations – A pattern of violating the same pretreatment standard daily maximum or average limit (any magnitude or limit) sixty six percent (66%) or more of the time in a 6 month period.

b.) Technical Review Criteria (TRC violations) – Thirty three percent (33%) or more of the measurements exceed the same pretreatment standard daily maximum limit or average limit by more than the TRC factor in a six month period. The TRC factor is 1.4 for biochemical oxygen demand (BOD), total suspended solids (TSS), oil & grease and 1.2 for all other pollutants except pH;

c.) Any other discharge violation that the Plant Operator believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of sewage works personnel or the general public;

d.) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Plant Operator’s exercise of its emergency authority to halt or prevent such a discharge;

e.) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a waste water discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
SECTION 100.0 – DEFINITIONS – continued

f.) Failure to provide within thirty (30) days after the date, any required reports, including baseline monitoring reports, Industrial Discharge Permit Applications, reports on compliance with categorical pretreatment standard deadlines, periodic self monitoring reports, and reports on compliance with compliance schedules;

g.) Failure to accurately report non-compliance; or

h.) Any other violation that the Plant Operator determines will adversely affect the operation or implementation of the local pretreatment standards.

“Slug” shall mean any discharge of water or waste water in which the rate of discharge, or the mass or concentration of any given constituent exceeds, in the opinion of the Town, the ability of the sewage works to function efficiently or properly.


“Storm Drain” (sometimes termed “storm sewer”) shall mean a sewer which carries storm and surface waters and drainage, and/or non-contaminated cooling water, but excludes sewage and industrial wastes.

“Superintendent” shall mean the superintendent of public works and/or superintendent of the sewage works of the Town of Machias, or their authorized representative.

“Suspended Solids” (also called “Total Suspended Solids”) shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are determined in accordance with Standard Methods.

“Watercourse” shall mean a channel in which flow of water occurs, either continuously or intermittently.

SECTION 200.0 – PROPER DISPOSAL OF SEWAGE REQUIRED

200.1 It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Machias, or in any area under jurisdiction of said Town, any human or animal excrement, greywater, garbage, sewage or other objectionable waste. The term “Unsanitary manner” shall not include reasonable spreading of animal excrement or other
SECTION 200.0 – PROPER DISPOSAL OF SEWAGE REQUIRED – continued

200.1 continued
Fertilizer in farming or animal husbandry operations or septage disposed of at a septage site licensed by the State of Maine Department of Environmental Protection and operated in compliance with all State of Maine Department of Environmental Protection site regulations.

200.2 It shall be unlawful to discharge to any natural outlet within the Town of Machias, or in any area under the jurisdiction of said Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and the requirements of the State of Maine.

200.3 It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, except where no public sewage facilities are available. Said systems shall be in compliance with the State of Maine Subsurface Wastewater Disposal Rules.

200.4 Except as herein provided, the owner of all houses, buildings, or properties us for human occupancy, employment, recreation, or other purposes requiring the disposal of sewage situated within the Town and abutting on any street, alley, or right of way in which there is located a public sanitary sewer of the Town is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with then provisions of this Ordinance, provided that said public sewer is within two hundred (200) feet of the structure containing internal plumbing.

SECTION 300.0 – PRIVATE SEWAGE DISPOSAL

300.1 Where a public sanitary sewer is not available the building sewer shall be connected to a private disposal system complying with the requirements of the State of Maine Plumbing Code, Part II, Subsurface Wastewater Disposal Rules and/or Town Ordinances as from time to time amended. An approved private subsurface wastewater disposal system may continue to operate and be utilized until said system fails or malfunctions.

300.2 Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Plumbing Inspector. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Plumbing Inspector. A permit and inspection fee shall be paid in advance at the time the application is filed. The amount of this fee shall be set by the Town Selectmen.
SECTION 300.0 – PRIVATE SEWAGE DISPOSAL – continued

300.3 A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Plumbing Inspector. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Plumbing Inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty four (24) hours of the receipt of notice by the Plumbing Inspector.

300.4 The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times in accordance with the State of Maine Subsurface Wastewater Disposal rules, regulations and laws.

300.5 No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Town.

300.6 When a public sewer becomes available, the building sewer may continue to utilize a private subsurface wastewater disposal system until for a period of up to twelve (12) months after the date the public sewer is installed. After this time period, the building will be required to be connected to said public sewer forthwith and the private septic tank and/or cess pool shall be cleaned of sludge and filled with clean bankrun gravel or dirt, or otherwise made to comply with State law, rules and regulations.

300.7 The contents from septic tanks of Machias properties may be discharged to the sewage treatment plant upon approval from the superintendent of the plant or agent. A fee shall be paid to the Town prior to discharge. The amount of the fee shall be set by the Town Selectmen.

300.8 There shall be no discharge of industrial waste to the Machias River or any water body unless the discharging party affirmatively proves to the Town’s reasonable satisfaction that the proposed industrial waste discharge will, at all times, meet the State of Maine Department of Environmental Protection and United States Environmental Protection Agency discharge standards applicable to the Machias Wastewater Treatment facility as from time to time established.

SECTION 400.0 – BUILDING SEWERS AND CONNECTIONS

400.1 No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town or authorized representative. All work related to the installation of building sewers and the connection to the public sewer shall be performed by persons qualified in this class of work and acceptable
SECTION 400.0 – BUILDING SEWERS AND CONNECTIONS – continued

400.1 –continued
to the Town of Machias. Said work shall be completed in compliance with all Municipal Ordinances and State of Maine Laws and Regulations with inspection by the Town for compliance. Failure to comply with inspection provisions may result in excavating the installation for inspection.

400.2 There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. This permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Town. A fee for a connection and inspection permit for a sewer entrance to the Town sewer shall be paid to the Town prior to connection to the Town sewer. The amount of said fee shall be as from time to time established by the Town of Machias Selectmen.

In the case of multiple building units or connections, connections involving sewer extensions, or industrial discharge or pretreatment applications, the Town may require a monetary deposit sufficient to cover the cost of review of the application, including any expert advice deemed necessary by the Town. The amount of deposit shall be estimated by the Town and upon payment by the applicant kept in an account. Upon completion the review process, the unused portion, if any, will be refunded. If the initial deposit is not sufficient to pay for the costs incurred by the Town, a second deposit shall be made and handled in the same manner as the first.

400.3 A separate and independent sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer except for the purposes of Section 1000 and if approved by the Town.

400.4 Old building sewers may be used in connection with new buildings only when they are demonstrated by the owner to the Town’s reasonable satisfaction to be adequate to meet the requirements of this Ordinance.

400.5 Except as herein provided, the building sewer shall meet one of the following specifications: 1) PVC Sewer SDR 35 – ASTM D3034, 12 ½ foot or 20 foot lengths, neoprene ring lock in, maximum allowable deflection – 5.0 percent;
SECTION 400.0 – BUILDING SEWERS AND CONNECTIONS – continued

400.5 – continued
2) PVC water pipe Class 200, SDR-21, for maximum 2 inch diameter pressure service, 20 foot lengths ASTM-D2241 and D3139, neoprene ring in grooved bell, maximum allowable deflection – 5.0 percent; 3) Extra heavy cast iron soil pipe ASTM-A74, rubber ring in grooved bell, ASTM-C564; or 4) Ductile iron push on joint sewer pipe, Class 51, ASTM-A746, 18 foot or 20 foot lengths. For building sewers over 100 feet in length from the interior building wall to the connection point to the public sewer, the minimum inside pipe diameter shall be six (6) inches. In addition, a vertical pipe clean out to grade shall be installed every 100 feet, said clean out shall be the same size as the sewer line.

400.6 The diameter of the building sewer shall not be less than four (4) inches nor shall the slope of the pipe be less than one quarter (1/4) inch per foot.

400.7 The depth of new building sewers shall be sufficient to afford protection from frost as determined by the Town, but in no event shall be less than five (5) feet to the crown of the pipe unless properly insulated at shallower depths. The building sewer shall be laid at uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only at a manhole or with properly curved pipe and fittings with a vertical clean out to grade. The ends of building sewers, which are not connected to the building drain of the structure for any reason, shall be sealed against infiltration by a suitable stopper, plug, or other approved means.

400.8 Backfill: Whenever insulation is required for frost protection, the sewer line shall be covered with a minimum of two (2) inches of compacted sand upon which the appropriate insulation (insulation appropriate to afford adequate frost protection) shall be placed, and said insulation shall be covered with a minimum six (6) inches of sand. The remaining backfill as required in Section 400.1.

400.9 In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage or industrial wastes carried by such drain shall be lifted by mechanical means, as approved by the Town, and discharged to the building sewer at owner's expense.

400.10 All excavation required for the installation of a building sewer shall be open trench work unless otherwise approved by the Town. The building sewer shall be laid on a mix inch bed of firm half (1/2) inch to one (1) inch crushed stone or gravel and back filled by hand with same crushed stone or gravel. The hand fill shall be placed around the pipe and over it to a compacted depth of at least six (6) inches over the pipe. Backfill up to six (6) inches over the pipe shall be tamped. The remainder of the trench may be back filled by machine with no stone greater than three (3) inches. Reconstruction of pavement surface, including gravel base
SECTION 400.0 - BUILDING SEWERS AND CONNECTIONS - continued

400.10 continued
courses, shall be in accordance with Maine Department of Transportation and Town of Machias specifications and Ordinances as appropriate. Pipe laying and backfill shall be performed in accordance with Section 3 through 6 of ASTM Specification C12. No backfill shall be placed until the work has been inspected.

400.11 All joints and connections shall be made gas tight and water tight with approved gaskets, Fernco couplings or equal. The transition joint between pipes of different materials shall be made with adapters and joint materials approved by the Town. Pre-molded gasket joints shall be used and shall be neoprene compression type gaskets which provide positive double seal in the assembled joint. The gasket shall be a pre-molded one piece unit designed for joining the pipe material used. The assembled joint shall be sealed by compression of the gasket between the exterior surface of the spigot and the interior surface of the hub. The joint shall be assembled following the manufacturer's recommendation using acceptable lubricant and special pipe coupling tools designed for that purpose. Lubricant shall be a bland, flax base, non-toxic material, and shall not chemically attack the gasket material.

400.12 The connection of the building sewer into an existing public sewer shall be made at the existing public sewer. All costs and expense incidental to the installation and connection of the entire length of building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The method of connection of the building sewer to the public sewer will be dependent upon the type of pipe material used and in all cases shall be approved by the Town. The connection of the building sewer into the public sewer shall be made with a wye or tee branch. If none is available, a connection may be made by tapping the existing sewer with a saddle by a method approved by the Town.

400.13 The applicant for the building sewer permit shall notify the Town at least forty eight (48) hours prior to when the building sewer is ready for inspection, testing, and connection to the public sewer. The testing and connection shall be made under the supervision of the Town.

When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected by the Town before the trenches are filled, and the person performing such work shall notify the Town when the installation of the building sewer is completed. If the trench is filled before inspection, the Town may require it to be re-excavated for inspection.
400.14 When any building sewer is to serve a school, hospital, or similar institution, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the Town, will receive sewage or industrial wastes of such rate, volume, or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The Town shall determine if and where this type of connection to the public sewer is required. Connections to existing manhole shall be made as directed by the Town. If required, a new manhole shall be installed in the public sewer pursuant to Section 500 and 700 and the building sewer connection made there to as directed by the Town.

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

400.16 All parts of new building drains and sewers shall withstand, under test without observable leakage, a ten foot head of water for a minimum period of fifteen minutes at a temperature above the freezing point of water.

400.17 No persons shall make connections of roof drains, downspouts, foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or groundwater, to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

400.18 The covers of all building drains and building sewer manholes, inspection chambers, clean outs, and the like shall be watertight and shall be capable of withstanding, without damage or displacement, any traffic loads to which they may be subject.

400.19 The building drain system shall be so vented that under no circumstances will the seal of any appliance be subjected to a pressure differential in excess of one (1) inch of water. All appliances connected directly or indirectly to the building drain shall have traps with a liquid seal not less than two (2) inches in depth.

400.20 Whenever practical, the building sewer pipe shall be brought to the building drain at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by an approved mans and discharged to the building sewer or service lateral. Plans and details of the proposed method shall be submitted to the Town for review.
SECTION 400.0 – BUILDING SEWERS AND CONNECTIONS – continued

400.21 No connection of any kind shall be made directly from any private property to a Town pressurized force main sewer.

400.22 All connections made to the public sanitary sewer from a building utilizing a groundwater well water supply shall be required to install an in-line water meter supplied, installed, and maintained by the Town for the purposes of sewer billing. Cost of said installation shall be paid in advance to the Town, with maintenance costs to be billed with the sewer bill.

SECTION 500.0 – SEWER EXTENSIONS

500.1 Sewer extensions, including individual building sewers from the sewer to the property line, or the right of way bound road may be constructed by the Town under public contract if, in the opinion of the Selectmen, the number of properties to be served by such extension warrants its cost and/or this extension is deemed by the Selectmen to be in the public (versus private) interest and if the treatment plant has the capacity to handle said extension. Unless the Town agrees to pay, the property owner shall pay for and install the building sewer from the public sewer to his residence or place of business in accordance with the requirements of this ordinance including but not necessarily limited to Section 400.0. Property owners may propose sewer extensions within the Town by drafting a written petition, signed by a majority of the benefiting property owners, and filing it with the Town. The cost of such extensions may be assessed to the benefited property owners in accordance with State Statutes and/or local ordinance.

500.2 If the Town does not elect to construct a sewer extension at public expense, the property owner, builder or developer may construct the necessary sewer extension, if such extension is approved by the Selectmen in accordance with the requirements of this section. He or they must pay for entire extension, including all expenses incidental thereto. If the Selectmen determine it to be in the public’s interest, a cost sharing agreement between property owner, builder, or developer and the Town may be mutually agreed upon. Each building sewer must be installed and inspected as previously required and the connection fee shall be paid. Design of sewers shall be as specified in this section. The installation of the sewer extension may be subject to such inspection as the Town deems necessary and the expenses for such inspections shall be paid for by the owner, builder or developer prior to connection to the Town sewer. The Town’s decisions shall be final in the matters of quality and methods of construction. The sewer, as constructed, must pass all tests required in this section before it is to be used. Except in instances where mutual agreement for cost sharing as has been mentioned above, the cost of sewer extensions thus made shall be paid by the developers or the property owners, including the costs of all building sewers.
SECTION 500.0 – SEWER EXTENSIONS

500.3 All extensions to the sanitary sewer system shall be designed by a Professional Engineer registered in the State of Maine. Plans and specifications for sewer extensions shall be submitted to the Town forty-five (45) days before the regularly scheduled Selectmen’s meeting at which Town approval of the extension will be required. The expenses incurred by the Town in reviewing the plans and specifications shall be paid from a deposit made by the owner, builder, or developer at the time of application. The design of sewers and pump stations to be deeded to the Town shall anticipate and allow for flows from possible future system extensions or developments within the future drainage areas.

500.4 Sewer design shall be in accordance with the following:

500.4.1 Pipe material shall be PVC made from virgin plastic conforming to ASTM D 1784, Type 1, Grade 1, and manufactured in accordance with ASTM D 3034, SDR 35 or ASTM F 789, ductile iron conforming to ANSI Specification A 21.51, with iron Grade 60-42-10, and cement lining meeting ANSI Specification A 21.4, but twice the thickness specified; or other material approved by the Town.

500.4.1.1 All joints shall be prepared and installed in accordance with the manufacturer’s recommendations, and shall be gastight and watertight. Joint materials shall be as follows:

1. PVC – ASTM D 3212

500.4.1.2 Minimum internal pipe diameter shall be eight (8) inches.

500.4.1.3 Branch fittings for house services shall be PVC wyes or tee-wyes, or ductile iron saddles with stainless steel straps and “O-ring” seal set in mastic to create a watertight connection.

500.4.1.4 Sanitary Sewers shall be laid at least 10 feet horizontally from any existing or proposed water main, per State of Maine Department of Human Services Regulations. The distance shall be measured edge of pipe to edge of pipe. At crossings, one full length of sewer pipe shall be located so both joints will be as far from the water pipe as possible. Special structural support for the water and sewer pipes may be required.
SECTION 500.0 – SEWER EXTENSIONS – continued

500.4.2 Minimum slope of sewer pipe shall be as follows:

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<thead>
<tr>
<th>Pipe Diameter</th>
<th>Minimum Slope in Feet Per 100 Feet</th>
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<tbody>
<tr>
<td>8 inch</td>
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<tr>
<td>10 inch</td>
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<td>14 inch</td>
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<td>0.15</td>
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<td>16 inch</td>
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500.4.3 The pipe shall be bedded with crushed or screened stone from 6” below the pipe to 6” above the pipe. The trench shall be excavated to the required grade and 6” of bedding installed and compacted. The pipe shall be installed on the bedding and the joints assembled in accordance with the recommendations of the manufacturer. Bedding material shall then be installed to the mid point of the pipe. The bedding shall be worked and packed under the edges of the pipe with hand shovels and then it shall be compacted. Bedding material shall then be installed to 6” above the pipe and compacted.

All compacting of bedding material shall be done with a vibrating plate compactor for the full trench width. Care shall be taken to prevent movement of the pipe during bedding installation, compacting, and back filling.

Blocking (installation of the pipe prior to bedding and then support of the pipe while bedding is installed under it) shall not be allowed.

All field cutting and beveling of pipe shall comply with the manufacturer’s recommendations. Ends shall be cut square and perpendicular to the pipe axis. Ends shall be beveled, filed smooth and stop marked with a felt tip marker so that they are comparable to factory pipe spigots.

500.4.3.1 SCREENED STONE – Screened stone shall consist of clean, hard, durable stone particles. It shall be screened and contain uniformly graded stone particles ranging in size from 10 to 20mm unless otherwise specified. Screened stone shall be free of fine gravel, sand, dirt, vegetation, disintegrated or laminated soils, and other unsuitable material.
SECTION 500.0 - SEWER EXTENSIONS — continued

500.4.3.2 CRUSHED STONE — Crushed stone shall consist of clean, hard, durable stone fragments. It shall be crushed and contain uniformly graded stone fragments ranging in size from 20 to 30mm unless otherwise specified. Crushed stone shall be free of fine gravel, sand, dirt, vegetation, disintegrated or laminated soils and other unsuitable material.

500.4.3.3 Crushed or screened stone shall be placed in lifts which will compact to a 6” maximum layer. Gravel and borrow shall be placed in 8” maximum lifts. All placement and compacting of borrow and bedding shall comply with Section 500.4.4 Backfilling.

500.4.4 Backfill material shall then be placed and compacted. Generally the excavated soil shall be suitable as backfill and shall be replaced in the excavation. Exceptions, include frozen fill, fill containing large stones, stumps or other rubble, and any material deemed unsuitable by the Town.

500.4.4.1 Backfilling shall proceed as soon as possible after underground construction has been completed. Backfill shall be extended to the grade indicated on the plans, compacted and graded.

Fill material shall be placed in layers not to exceed 8” and compacted to a density equal to at least 95% of the optimum density determined by the modified proctor test. Compacting may be done by vibrating compactor or roller.

The Contractor shall take care not to damage or disturb any structure, including his own, during backfilling and compacting. The Contractor shall be held liable for any such damage.

Excavations in paved areas shall be paved according to specifications as soon as possible. Other areas shall be loamed and seeded or otherwise restored to a condition equal to or better than that of adjacent areas as soon as possible.

The Contractor shall not withdraw any sheeting without the approval of the Town. All voids created by such removal shall be filled and compacted. Any backfilling which does not conform to these...
SECTION 500.0 - SEWER EXTENSIONS - continued

500.4.4.1 - continued
Specifications, or which settles differentially, shall be excavated to a depth sufficient to correct the problem and re-filled as required. Any pavement or structure which is damaged due to settlement of backfill shall be repaired by the Contractor at his expense.

500.4.4.2 All excavations required for the installation of sewer extensions shall be open trench work unless approved by the Town. No backfill shall be placed until the work has been inspected by the Town.

500.4.5 Manholes shall be constructed at the end of all lines, at all changes in slope or alignment or at intervals not exceeding 400 linear feet, unless acceptable to the Town and shall be pre-cast concrete.

500.4.5.1 All manholes shall be constructed of pre-cast concrete. Manholes shall be designed for H-20 loading. Concrete manholes shall have 4000 psi 28 day strength (for 4’ dia and 5000 psi for any of larger dia.) and shall acquire 75% of their 28 day strength before being shipped to the project. Manholes shall have factory cast holes at the proper location and elevation as shown on the contract drawings. Manhole sections shall be joined with butyl rubber kent seal no. 2. Minimum thickness of the reinforced barrel sections and base shall be 5 inches. All manholes shall be eccentric cones. The tops of the cones shall be 8 inches wide to accommodate bricks. Two coats of bituminous waterproofing shall be applied to the outside of all manholes. Damaged manholes shall be rejected.

500.4.5.2 Mortar to be used in the construction of inverts and placement of frames shall be Type II Portland cement (1 Part), sand (2 parts) and hydrated lime (not over 10 lbs. per bag of cement). Bricks shall be solid red clay bricks, not concrete units.

500.4.5.3 Manhole steps shall be polypropylene plastic coated steel by M.A. Industries or approved equal. Steps shall be cast into the manhole sections and spaced a maximum of 12” on center vertically.

500.4.5.4 Covers shall be 24” diameter and shall be clearly marked “SEWER”. Frames shall have a clear opening of 22”. The castings shall be of good quality even grained gray cast iron (ASTM-A48 Grade 30) and shall be free of lumps, blisters, scales, and other defects. Manhole covers shall have two lift holes and shall be matched to the frames
SECTION 500.0 – SEWER EXTENSIONS – continued

500.4.5.4 – continued

with machined surfaces. The covers and frames shall be factory coated with a smooth non-brittle coat of coal tar epoxy. Frames and covers shall have an H-20 load rating.

500.4.5.5

Pipe sleeves shall be lock joint flexible sleeves which shall be cast or locked into the manhole base. These sleeves shall be capable to allowing substantial off center alignment. The sleeves shall be attached securely to the outside of the pipe with stainless steel bands to provide a water tight seal.

500.4.5.6

Manhole bases shall be installed before laying pipe to the manhole. The manhole base shall be set on a 12” compacted stone bed. Once the sewer pipe has been connected to the manhole, barrel sections shall be installed after installing kent seal at the joints. The pipe shall extend into the manhole so that it is flush with the inside wall. There shall be no pipe bells inside the manhole.

500.4.5.7

Manhole inverts shall be installed using bricks and mortar as shown on the Contract Drawings. The trough and table shall be lined with bricks. The trough depth shall be equal to the pipe diameter. The tables shall slope toward the trough at 1” per foot for drainage. The finished surface of the invert shall be smooth, free of any obstructions and shall have a uniform pitch from inlet to outlet. The finish surface for both inverts and tables shall be brick.

500.4.5.8

Install frames and covers as shown on the plans. The frames shall be brought to the proper grade with brick and mortar or cast-in-place concrete. All voids between bricks shall be filled with mortar and the bricks shall be coated with mortar on both the interior and exterior of the manhole. The mortar surface shall be smooth and even and shall slope inward on the exterior of the manhole to avoid lifting from frost. Frames shall not be backfilled until the mortar has set and acquired sufficient strength to avoid damage. When manholes are in paved areas, the frame and cover shall be adjusted to grade once the base pavement has been placed. The cost of adjusting the frame and cover to grade, including pavement cutting and replacement, is incidental to the manhole cost. In paved areas the frame and cover shall be set ¼” below final grade.
SECTION 500.0 – SEWER EXTENSIONS – continued

500.4.5.9 All manholes shall be vacuum tested immediately after assembly and prior to backfilling. All lift holes shall be plugged with an approved non-shrink grout. All pipes entering the manhole shall be plugged. The plugs shall be securely braced to prevent them from being sucked into the manholes. The test head shall be placed at the inside of the top of the cone section and seal inflated in accordance with the manufacturer’s recommendations. A vacuum of 10 inches of mercury shall be drawn and the vacuum pump shut off. With the valves closed the time shall be measured for a vacuum to drop to 9 inches. The test shall pass if the time is greater than 60 seconds for 48” diameter, 75 seconds for 60” and 90 seconds for 72” diameter manholes. If the manhole fails the initial test, necessary repairs shall be made with a non-shrink grout while the vacuum is still being drawn. Re-testing shall proceed until a satisfactory test is obtained.

500.5 All sewer mains shall be tested prior to acceptance. All testing shall be done in the presence of the Town. The Contractor shall notify the Town at least 48 hours in advance of any testing.

500.5.1 The Contractor shall only use testing equipment, plugs and compressors specifically designed for low pressure sewer testing. Equipment shall include a pressure relief valve set no higher than 9 psig. The Contractor shall follow the manufacturer’s recommendation for operation and safety. Equipment shall only be operated by personnel trained and experienced with its proper use.

For a sewer main test to be considered for acceptance, the sewer main segment must be part of a manhole to manhole reach of pipe that has been completed and backfilled to final grade. The manholes on each end of the reach of pipe shall be successfully tested prior to testing of the sewer main.

The maximum allowable infiltration limit for all pipes shall be 100gal/day/inch/mile of pipe installed. If there is evidence of poor workmanship, improper storage of pipe, or if test results are unsatisfactory, the Engineer may direct that additional tests be made on any and all of the pipe.
SECTION 500.0 – SEWER EXTENSIONS – continued

500.5 - continued

500.5.2 Test all gravity sewer lines for leakage by conducting a low pressure ex-filtration air test. All sewer lines shall be cleaned to remove all sediment and debris prior to testing.

Test plugs shall be properly installed and braced.

A minimum of 4 lbs/sq in air pressure shall be applied to the line being tested. The air compressor shall then be shut off. A pressure drop, from the applied pressure, of less than 1.0 psi during the period of time specified in the table below will constitute an acceptable air pressure test. If the pressure drop during the indicated time interval is exceeded, the test will be determined as failure and the Contractor shall locate and correct the leak associated with failure. Following correction of the leak the pipe shall be re-tested at the Contractor’s expense.

**Table of Air Test Durations**

<table>
<thead>
<tr>
<th>Sewer Diameter (Inches)</th>
<th>4 6 8 10 12 15 18 21 24-30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Test Duration (Minutes)</td>
<td>2 3 4 5 6 8 9 10 11.5</td>
</tr>
</tbody>
</table>

All sewer lines not complying with the requirements for infiltration and/or air testing shall be repaired or replaced at the Contractor’s expense. The Contractor shall repair and re-test the line at his expense until an acceptable test is achieved. No repairs will be made internally on the pipe unless specifically authorized by the Town in writing. All repairs shall be made externally to the sewer lines. If any pipe is defective, it shall be removed and replaced.

If during the process of repairing the new sewer main or during other operations not necessarily related to sewer construction (such as constructing roadways, cleanup, etc.), debris and sediment enters the new sewer or manholes, the sewer shall again be cleaned before final acceptance shall be made.

500.5.3 Prior to final acceptance of the sewer the Contract shall take deflection measurements of all PVC sewer mains by use of a mandrel assembly (7 1/2%) pilled through the entire length of each sewer run. If a deflection in the diameter of the pipe equal to or greater than 7 1/2% of the specified pipe diameter is measured, the defective pipe will be removed and replaced by the Contractor at the Contractor’s expense. The pipe shall then be re-tested.
SECTION 500.0 – SEWER EXTENSIONS – continued

500.6 No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facility within the Town, unless a suitable and approved method of sewage disposal is proposed. No certificate of occupancy shall be issued until connection is made to an approved sewer and all fees owed to the Town have been paid.

500.7 Connection of the sewer extension to the Town’s facilities shall not be permitted until: 1) the completed sewer has been tested and passed to the satisfaction of the Town; 2) all fees have been paid to the Town; and 3) reproducible, mylar record drawings of the completed sewer have been furnished to the Town. If developer desires to convey the sewer extension to the Town, he must give the Town a one year maintenance bond in an amount and form acceptable to the Town. In no event shall such bond be in an amount less than 10% of the cost of the extension. The Town shall in no event be required to accept an offer of conveyance of a sewer extension.

SECTION 600 – USE OF PUBLIC SEWERS

600.1 No person shall cause a connection to be made to a town sanitary sewer which shall discharge, or cause to be discharged, any storm water, surface water, ground water, roof runoff, subsurface drainage, un-contaminated cooling water, or un-polluted industrial process waters to any sanitary sewer. No direct connection shall be made from a public or private water supply to a building drain discharging to any sanitary sewer.

600.2 Storm water and all other un-polluted drainage may be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Town. Industrial cooling water or un-polluted process waters may be discharged, on approval of the Town, to a storm sewer, or natural outlet, if in accordance with regulations of the Department of Environmental Protection.

600.3 Except as hereinafter provided, no person shall discharge or cause to be discharged, any of the following described waters or wastes to any public sewer:

600.3.1 Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).

600.3.2 Any waters or wastes which contain fats, grease or oil, or other substances in excess of 100mg/l, whether emulsified or not, that will solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit.
600.3.3 Any waters or wastes containing soluble fats, grease or oils, whether
emulsified or not, exceeding an average 100 parts per million which,
in the opinion of the Town, may overload or inhibit the Pollution
Control Facility’s processes.

600.3.4 Any gasoline, benzene, naphtha, fuel oil, mineral oil, or other
flammable or explosive liquid, solid or gas.

600.3.5 Any noxious or malodorous gas such as hydrogen sulfide, sulfur
dioxide or nitrous oxide or other substance, which either singly or by
interaction with other wastes, are capable of creating public nuisance
or hazard to life or of preventing entry into sewers for their
maintenance and repair.

600.3.6 Any garbage that has not been properly shredded. The installation and
operation of any garbage grinder equipped with a motor of ¾ horse­
power or greater shall be subject to the review and approval of the
Town.

600.3.7 Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags,
feathers, tar, plastic, cardboard, wood, paunch manure, hair and
fleshings, entrails, lime slurry, lime residues, beer or distillery slops,
whey, chemical residues, paint residues, cannery waste, bulk solids, or
any other solid or viscous substance capable to causing obstruction to
the flow of the sewers, or other interference with proper operation of
the sewage works.

600.3.8 Any waters or wastes, acid and alkaline in reaction, having corrosive
properties capable of causing damage or hazard to structures, equip­
ment and personnel of the sewage works. Free acids and alkalis must
be neutralized at all times, within a permissible pH range of 6.0 to 9.5.

600.3.9 Radioactive wastes or isotopes of half-life or concentrations as may
exceed limits established by the Town in compliance with applicable
State or Federal regulations.

600.3.10 Quantities of flow, or concentrations of any wastewater constituent, or
both, which would constitute a “slug” as defined in Section 100.
SECTION 600 – USE OF PUBLIC SEWERS - continued
600.3 – continued

600.3.11 Any storm water, roof drains, spring water, cistern or tank overflow, footing drains, discharge from any vehicle wash rack or water motor, or the contents of any privy vault, septic tank or cesspool, or the discharge of effluent from any air conditioning machine or refrigeration unit.

600.3.12 No person shall discharge or cause to be discharged any waters or wastes containing a toxic or poisonous substance, a high chlorine or oxygen demand or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard or violation in the receiving waters or effluent of the Town’s sewage treatment plant, or contaminate or restrict the final end use of the treatment plant’s sludge residuals. Such toxic substances shall be limited to the average concentrations listed hereinafter in the sewage as it leaves the building sewer and at no time shall the hourly concentration at the sewage treatment plant exceed three times the average concentration. If concentrations listed are exceeded, individual establishments will be subject to control by the Town in volume and concentration of wastes discharged.

Limits of Toxic Substances in Sewage

<table>
<thead>
<tr>
<th>Substance</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iron, as Fe</td>
<td>5.0 ppm</td>
</tr>
<tr>
<td>Chromium, as Cr (hexavalent)</td>
<td>1.0 ppm</td>
</tr>
<tr>
<td>Copper, as Cu</td>
<td>1.0 ppm</td>
</tr>
<tr>
<td>Chlorine Demand</td>
<td>15.0 ppm</td>
</tr>
<tr>
<td>Phenol</td>
<td>0.5 ppm</td>
</tr>
<tr>
<td>Cadmium, as Cd</td>
<td>0.5 ppm</td>
</tr>
<tr>
<td>Zinc, as Zn</td>
<td>0.5 ppm</td>
</tr>
<tr>
<td>Nickel</td>
<td>1.0 ppm</td>
</tr>
<tr>
<td>Mercury</td>
<td>0.2 ppm</td>
</tr>
</tbody>
</table>

The Town may periodically modify the above list of regulated toxic substances and allowable concentrations in accordance with EPA protocol for the development of technically based local limits. The Town will provide advanced written notice of new local limits to users prior to initiating enforcement actions.
600.3.13 Waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

600.3.14 Waters or wastes containing phenols, or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Town as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

600.3.15 Waters or wastes containing substances which are not emenable to treatment or reduction by the waste treatment processes employed, which may inhibit treatment plant processes or sludge quality or disposal, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters.

600.3.16 Any heated waters or pollutants in amounts which will inhibit or interfere with biological activity in the Town's waste water treatment facilities, but in no case heated waters or pollutants in such quantities that the temperature at the Pollution Control Facility's influent exceeds 104 degrees Fahrenheit (40 degrees Celsius).

600.3.17 Any waters or wastes containing color, dissolved solids, or dye which would cause a visible discoloration of the treatment plant’s effluent or receiving water.

600.3.18 Any waters or wastes containing suspended solids, whether inert or organic, which would cause visible turbidity of the treatment plant’s effluent or receiving water.

600.3.19 Any waters, wastes or substance which would cause the treatment plant’s effluent to exceed toxicity testing limits as may be required by applicable State or Federal Law.

600.3.20 Any boiler blow offs or sediment trap wastes.

600.3.21 Any septage or septic process discharge without the express written approval of the Town.
SECTION 600 – USE OF PUBLIC SEWERS - continued

600.4 Any discharge of waters or wastes having a) a five (5) day Biochemical Oxygen Demand (BOD) greater than 300 parts per million; or b) containing more than 350 parts per million of suspended solids; or c) containing more than 15 parts per million of chlorine demand; or d) containing any quantity of substances having the characteristics described in this section or e) having an average daily flow or pollutant mass greater than two (2) percent of the average daily sewage flow of the Town, shall be subject to the review and approval of the Town. Where necessary, in the opinion of the Town, the owner shall provide, at his expense, such pre-treatment as may be necessary to, 1) reduce the Biochemical Oxygen Demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or 2) reduce the chlorine demand to 15 parts per million, or 3) reduce objectionable characteristics or constituents to within the maximum limits provided for in this section, or 4) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed pre-treatment facilities shall be submitted for the approval of the Town, and no construction of such facilities shall be commenced until said approvals are obtained in writing. Failure to comply with one or more of the remedial procedures as required by the Town will constitute a violation of this Ordinance.

600.5 All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with the latest accepted edition of the “Standard Methods for the Examination of Water and Waste water”, upon suitable samples taken at a control manhole provided for in Section 700. In the event that no manhole has been required, the manhole shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected.

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

600.7 All of the preceding standards are to apply at the point where the industrial wastes are discharged into the public sanitary sewerage system and any pre-treatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in the latest accepted edition of “Standard Methods for the Examination of Water and Sewage”. However, alternate methods for the analysis of industrial wastes may be used subject to mutual agreement between the Town and the producer of such wastes. The frequency and duration of the sampling of
SECTION 600 - USE OF PUBLIC SEWERS - continued
600.7 - continued
any industrial waste shall not be less than once every three months for a twenty-four (24) hour period. However, more frequent and longer periods may be required at the discretion of the Town.

600.8 If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this section and which, in the judgment of the Town, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

600.8.1 Reject the wastes and require separate treatment

600.8.2 Require pre-treatment to an acceptable condition before discharge to the public sewers.

600.8.3 Require control over the quantities and rates of discharge and/or

600.8.4 Require payment under the provisions of this Ordinance to cover the added cost of handling and treating of such wastes.

If the Town permits the pre-treatment or equalization of waste flows, the design and installation of plants and equipment shall be subject to the review and approval of the Town, and subject to the requirements of all applicable codes, Ordinances and laws, including Federal EPA pre-treatment standards.

SECTION 700.0 - PRE-TREATMENT AND PERMITTING OF INDUSTRIAL AND UNUSUAL WASTES

700.1 The Town, at its sole discretion, may elect to allow an industrial or unusual waste producer to utilize the sewage works provided that it can be demonstrated by the producer to the Town reasonable satisfaction that acceptance of the waste will result in:

700.1.1 No violation of applicable Federal or State regulations, including EPA pre-treatment requirements.

700.1.2 No inhibition of, interference with, or damage to, the treatment plant's processes or equipment and no upsets of the plant's processes which lead to nuisance conditions, operational problems or discharge license non-compliance.
700.1.3 No pass through of any waste material not treatable in the Town's treatment plant to the receiving waters.

700.1.4 No contamination of the Town's sewage sludge with toxic or undesirable waste constituents and no impairment of the Town's ability to dispose of the treatment plant's sludge residuals.

700.1.5 No creation of hazardous or unsafe conditions in the sewer system or treatment plant which might jeopardize the health and welfare of the general public or the Town's staff.

700.1.6 Equitable allocation of sewer user fees such that the true cost of treating the industrial or unusual waste is fully borne by the sewer user that generated the wastes.

Prior to accepting the waste, the Town may require that appropriate industrial or unusual wastes undergo pre-treatment or flow equalization prior to its discharge into the Town's sewer system.

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

700.3 When required by the Town, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control structure in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Town. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

700.4 No discharge or user shall increase the use of potable or process water, in any way, for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance. Pollutants, substances or waste water prohibited by this Ordinance shall not be processed or stored in a manner that would allow them to be discharged to the treatment plant.
SECTION 700.0 – PRE-TREATMENT AND PERMITTING OF INDUSTRIAL AND UNUSUAL WASTES – continued

700.5 Grease, oil, and sand interceptors shall be provided by the producer when the Ordinance limits for those substances are exceeded or when, in the opinion of the Town, they are necessary for the proper handling of wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity required by the State of Maine Plumbing Code and as required for sub-surface waste water disposal systems and shall be approved by the Town prior to installation, and shall be located as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gas tight and watertight.

700.6 Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times and shall be readily accessible and open to inspection by the Town at any time. A maintenance record shall by maintained by the owner for the Town’s periodic review.

700.7 The categorical pre-treatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 and as from time to time amended are incorporated herein by reference. These standards must be adhered to by dischargers to, or users of, the Town’s sewage works.

700.8 Local limits for certain pollutants may be established by the Town to protect against pass through, interference, process inhibition and damage, safety concerns, and sludge residual contamination. No person shall discharge waste water containing in excess of the instantaneous maximum allowable discharge limits as identified in this Ordinance or on the user’s waste water discharge permit. All discharge limits shall be technically based and approved by the appropriate regulatory agencies.

700.9 When requested by the Town, users must complete a waste water survey form, on a form, supplied by the Town, which contains information on the nature and characteristics of their wastes. This form must be submitted to the Town prior to the discharge of the user’s waste water into the Town’s waste water system.
SECTION 700.0 – PRE-TREATMENT AND PERMITTING OF INDUSTRIAL AND UNUSUAL WASTES – continued

700.9 – continued

sewage works. The Town is authorized to prepare a form for this purpose and may periodically require users to update the survey. Failure to complete this waste water survey form shall be reasonable grounds for terminating service to the user and shall be considered a violation of this Ordinance. Existing industrial dischargers shall file waste water survey forms within thirty (30) days after being notified by the Town, and proposed new dischargers shall file such forms at least ninety (90) days prior to connecting to the sewage works. The form shall include, but not be limited to, the following information:

700.9.1 The name, address, and location of the user and the number of employees.

700.9.2 The Standard Industrial Classification (SIC) Code of the user.

700.9.3 The known, or suspected to be present, waste water constituents and characteristics, including, but not limited to, those listed in this Ordinance. Any sampling and analysis that is required by the Town shall be performed in accordance with Standard Methods. The costs of all such sampling, analysis, and reporting shall be fully borne by the user.

700.9.4 The time and duration of discharges.

700.9.5 The average daily and instantaneous peak waste water flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be as actually measured unless other verifiable measurement techniques are approved by the Town.

700.9.6 The site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location, and elevation adjacent to, or at, the user’s premises.

700.9.7 The activities, facilities, and plant processes on the premises, including all materials which are, or may be, discharged to the sewage works.
SECTION 700.0 - PRE-TREATMENT AND PERMITTING OF INDUSTRIAL AND UNUSUAL WASTES – continued
700.9 – continued

700.9.8 The nature and concentration of any known or suspected pollutants or materials prohibited by this Ordinance from being included in the discharge, together with a statement regarding whether or not compliance is being, or will be achieved with this Ordinance on a consistent basis and if not, whether additional operations and maintenance activities and/or additional pre-treatment is required for the user to comply with this Ordinance.

700.9.9 The identification of each product produced by the user by type, amount, process or processes, and rate of production.

700.9.10 The type and amount of raw materials utilized, average and maximum per day, by the user.

700.10 All disclosure forms and any periodic reports submitted by a user shall be signed by the principal executive officer of the user and shall contain the following certification: “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

700.11 The Town will evaluate the completed waste water survey forms and material safety data furnished by the user and may require the user to furnish additional information. The user shall provide all requested additional information within fifteen (15) days after receiving notification from the Town that additional information is required. After full evaluation and acceptance of all submitted data, the Town shall make the determination as to whether the user is subject to pre-treatment requirements. If the Town determines that the user is subject to pre-treatment requirements, the Town shall require the user to apply for a Wastewater Discharge Permit as required by this Section 700. The user shall make application for a Wastewater Discharge Permit, on a form provided by the Town, within thirty (30) days after having received notification from the Town to do so. The user shall provide with the permit application, at the user’s own expense,
700.11 Continued
the results of all sampling and analysis of the user's waste water effluent as
the Town may require to accompany the permit application. If so requested
by the Town, the user shall collect all required samples in the presence of the
Town.

700.12 Every new or existing user of the Town's sewage works who is determined to
be a categorical user or significant industrial user as defined in Section 100 of
this Ordinance is required to obtain a waste water discharge permit from the
Town.

700.13 Wastewater discharge permits shall include such conditions as are
reasonably deemed necessary by the Town to prevent waste pass through or
interference, protect the quality of the water body receiving the Treatment
Plant's effluent, protect worker health and safety, facilitate sludge manage­
ment and disposal, and protect against damage to the sewage works. Waste
water discharged permits may impose effluent restrictions or limits on the
user if the Town determines that such limits are necessary to protect the
quality of the Treatment Plant influent, effluent, or sludge, or to maintain
compliance with any applicable Federal or State law, including requirements
under the Town's NPDES permit and national categorical pre-treatment
standards for new and existing sources set forth in 40 CFR Chapter I,
Subchapter N Parts 401-471.

700.14 Wastewater discharge permits shall be issued for a specified time period, not
to exceed five (5) years. A wastewater discharge permit may be issued for a
period of less than five (5) years. Each wastewater discharge permit shall
indicate a specific date upon which it will expire and no permit shall run
beyond the expiration of the Town's NPDES permit. Such discharge permit
may, after written notice and hearings be suspended or revoked by the Town
Selectmen for violation of the permit or change of law applicable to the
subject matter of the permit.

700.15 Wastewater discharge permits shall be issued to a specific operation. A
wastewater discharge permit shall not be re-assigned or transferred or sold
to a new owner or a new user, different premises, or a new or changed
operation. To facilitate the issuance of new, separate permits, the Town may
allow new owners or individuals to operate under an existing wastewater
discharge permit for a period not to exceed ninety (90) days.
SECTION 700.0 – PRE-TREATMENT AND PERMITTING OF INDUSTRIAL
AND UNUSUAL WASTES – continued

700.16 Wastewater discharge permits may contain requirements and compliance
schedules for the installation of pre-treatment technology, pollution control,
or construction of appropriate containment devices, any of which would be
designed to reduce, eliminate, or prevent the introduction of pollutants into
the Town’s sewage works.

700.17 Wastewater discharge permits may contain requirements for the develop­
ment and implementation of spill control plans or other special conditions
including management practices necessary to adequately prevent accidental,
unanticipated, or routine discharges to the Town’s sewage works.

700.18 Wastewater discharge permits may contain requirements for the installation
and maintenance of inspection and sampling facilities and equipment and for
the reporting of all results to the Town.

700.19 The Town, for good cause, may at any time, modify any wastewater dis­
charge permit so long as the public health and safety are maintained.

700.20 Seven days advance written notice of intent to revoke and an opportunity for
hearing before the Town Selectmen shall be provided before revocation of
any permit for a violation of any condition thereof or of this Ordinance,
significant non-compliance, or any applicable State or Federal Statutes,
rules, or regulations.

700.21 The Town may require any user to develop and implement an accidental
hazardous waste discharge(slug control plan. At least once every two (2)
years, the Town shall evaluate whether each significant industrial user needs
such a plan. Any user required to develop and implement an accidental
hazardous waste discharge(slug control plan shall submit a plan which
addresses, at a minimum, the following:

700.21.1 Description of discharge practices, including non-routine batch
discharges;

700.21.2 Description of stored chemicals;

700.21.3 Procedures for immediately notifying the Town of any accidental
or slug discharge. Such notification must also be given for any
SECTION 700.0 – PRE-TREATMENT AND PERMITTING OF INDUSTRIAL AND UNUSUAL WASTES – continued

700.21.3 - continued
accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in this Ordinance; and

700.21.4 Procedures to prevent adverse sewage works impacts from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

700.21.5 Procedures for notifying the Plant Operator of Hazardous waste discharges.

700.22 Where additional pre-treatment and/or operations or maintenance activities will be required to comply with this Ordinance, the user shall provide a declaration of the shortest schedule by which the user will provide such additional pre-treatment and/or implementation of additional operations and maintenance activities. The Town reserves the right to determine the reasonableness of the proposed schedule, to modify the proposed schedule, or to reject the schedule. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional treatment required for the user to comply with the requirements of this Ordinance, including, but not limited to, dates relating to hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this Ordinance. No later than fourteen (14) days following each milestone date in the schedule and the final date for compliance, the user shall submit a progress report to the Town including, at a minimum, a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the approved schedule.

700.23 All significant industrial user(s) shall, at a frequency stated in their wastewater permit or as determined by the Town, but in no case less than twice per year, submit a report to the Town indicating the nature and
Concentration of pollutants in the discharge which are limited by pretreatment permit criteria or Ordinance standards and the measured or estimated average and maximum daily flows and loadings for the reporting period. All periodic compliance reports must be signed and certified in accordance with this Ordinance. All wastewater samples collected must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge. If a user subject to the reporting requirement in this Ordinance or its permit monitors any pollutant more frequently than required, the results of this additional monitoring shall be included in the report.

700.24 Each user must notify the Town in writing of any planned significant changes to its operations or process systems which might alter the nature, quality or volume of its wastewater at least sixty (60) days before the change. No user shall implement the planned changed condition(s) until and unless the Town has responded in writing to the user's notice. Significant changes include, but are not limited to, flow or pollutant load increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants.

700.25 If sampling performed by a user indicates a violation of their permit or this Ordinance, the user must notify the Town within twenty-four (24) hours of becoming aware of the violation. The user shall also within five (5) calendar days repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within five (5) calendar days of such repeat sampling and analysis. In the case of any discharge, including, but not limited to, hazardous waste discharges, accidental discharges, discharges of a non-routine or episodic nature, a non-customary batch discharge, or a slug load that may cause potential problems for the sewage works, the user shall immediately telephone and notify the Town of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. Within five (5) Days following such a discharge, the user shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the sewage works, natural resources or
SECTION 700.0 - PRE-TREATMENT AND PERMITTING OF INDUSTRIAL AND UNUSUAL WASTES - continued

700.25 - continued

Other damage to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Ordinance. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

SECTION 800.0 - ORDINANCE COMPLIANCE MONITORING

800.1 In accordance with 30-A M.R.S.A., Section 4213, the Machias Plumbing Inspector may enter any property at reasonable hours for the purpose of inspecting the property for compliance with applicable rules or to investigate alleged conditions which do not comply with the rules. This Right of Entry extends to the right to enter any building with the consent of the property owner, occupant or agent. Upon the request of the occupant of the premises, the Plumbing Inspector shall present proper credentials before entering the premises.

If entry is denied, before attempting entry, the Plumbing Inspector must obtain an Administrative Inspection Warrant from the District Court, pursuant to the procedures set out in detail in Rule 80E, Maine Rules of Civil Procedure.

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

800.3 The Town shall have authority to set up, on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's waste discharges. The user shall bear the costs of such setup or installation.
800.4 The Town shall require the user to install monitoring equipment as the Town deems necessary. The user's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least quarterly to ensure their accuracy.

800.5 Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records or information obtained pursuant to any monitoring activities required by Ordinance and any additional records or information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include, but not be limited to the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analysis were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall be retained by the user for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Town, or where the user has been specifically notified of a longer retention period by the Town.

800.6 Information and data on a user obtained from reports, surveys, wastewater discharge permits and monitoring programs, and from the Town's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Town, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information on the user which under applicable State law is not subject to public inspection. When requested and demonstrated by the user furnishing a report that such information must be held confidential under State law, the portions of a report which might disclose such confidential information shall not be made available for inspection by the public, but shall be made available immediately, upon request, to State and Federal governmental agencies for uses related to the NPDES program or pre-treatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR Part 2.032 will not be recognized as confidential information and will be available to the public without restriction.
SECTION 800.0 – ORDINANCE COMPLIANCE MONITORING – continued

800.7 If the Town has been refused access to any building, structure or property, or any part thereof, for the purpose of inspecting, sampling or otherwise monitoring compliance with this Ordinance, the Town shall seek to secure an Administrative Inspection Warrant pursuant to M.R. Civ.P. 80E. The warrant, if issued by the District Court, shall be executed pursuant to M.R.Civ.P. 80E and the Town shall be accompanied by a uniformed Town police officer during said execution.

SECTION 900.0 – PROTECTION FROM DAMAGE

900.1 No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenances or equipment which is a part of the sewage works. Any person violating this provision shall be subject to prosecution criminally or civilly or both.

900.2 Before a permit will be issued for construction of building sewers, or sewer, or sewer extensions, pump stations and/or treatment structures (except on private property), the construction contractor must present a certificate of insurance showing minimum liability coverage of $1,000,000/$2,000,000 for bodily injury and a $100,000 limit for property damage including collapse and underground coverage.

SECTION 1000.0 – SEWER CHARGES

1000.1 The source of a portion of the revenues for retiring debt services and for capital expenditures, operation and maintenance of the sewage works shall be a Sewer Service Charge. That portion of the Sewer Service Charge related to capital expenditures and retirement of debt service shall be made against all properties within the Sewage Works service area having or required to have sanitary facilities, whether actually connected to the public sewer system or not. The Sewage Works service area and the nature of buildings required to have sanitary facilities shall be as defined as Section 200.4 hereof. In the case of a building not connected to the Sewage Works, such charge shall be deemed by “ready to serve” charge levied to aid in defraying expense incurred in making service available to the property. In the case of a connected building not in active use or occupancy and having no discharge during a given billing period, the portion related to capital expenditures and retirement of debt services shall be regarded as a minimum charge. In the case of a connected building actively discharging to the Sewage Works for all or part of any given billing period, the charge shall be increased to include the cost of operations and maintenance of the Sewage Works.
SECTION 1000.0 – SEWER CHARGES – continued

1000.2 The Board of Selectmen shall establish sewage charges for the connection to and use of public sewerage facilities to be paid by every owner (of an establishment) whose building sewer connects directly or indirectly into public sewers. Such sewage charges shall be in proportion to the quantity of water supplied to every such premise, subject to just and equitable discounts and abatements in exceptional cases.

1000.3 A special sewage service charge shall be established by the Town for any industrial firm or organization who, by virtue of the volume, strength or unusual characteristic of their waste alone, would overload or upset the capacity of efficiency of the sewerage works or any part thereof if such waste entered the public sewer, or whose waste disposal situation is such that it would be in the public interest to waive the basic requirements. The Board of Selectmen, after appropriate study, may from time to time establish a Special Sewer Service Charge to such industrial firm by separate agreement with said firm. The applicable portions of the proceeding Sections, as well as the equitable rights of the public shall be the basis for such an arrangement. No such special sewer charge shall extend for more than two (2) years and such charges may be modified due to material charges of law, charges of operating costs, or other reasonable circumstances which make the initial sewer charge unfair or inequitable in the view of the Machias Board of Selectmen.

1000.4 An interest charge at the same rate as established by the Board of Selectmen for uncollected taxes will be made on all bills not paid prior to the due date of invoice.

SECTION 1100.0 – ENFORCEMENT

1100.1 Nuisances and violation of this ordinance shall be deemed to be a nuisance and a land use violation under rule 80K and 30-A MRSA, Section 4452.

1100.2 Enforcement: If the Town shall find that any provision of this Ordinance is being violated, notification in writing will be sent to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of the Municipal Sewer System, and abatement of nuisance condition. A copy of such notices shall be maintained as a permanent record.
SECTION 1100.0 – ENFORCEMENT – continued

1100.3 Legal Action: When the above action does not result in the correction or abatement of the violation or nuisance condition, the Selectmen, after notice from the appropriate Town official, is hereby authorized to direct the Town Attorney to institute any and all actions and proceedings, either legal or equitable, including actions seeking injunctions of violations and the imposing of fines, that may be available or necessary to enforce the provisions of this ordinance in the name of the Town.

1100.4 Penalty: Any person, including, but not limited to a landowner, a landowner’s agent or a contractor, who violates any provision of this Ordinance shall be penalized in accordance with 30-A, MRSA Section 4452 as now existing or subsequently amended.

In addition, the Town Of Machias shall be entitled to all of the relief, including its costs and legal fees as allowed by said Section 4452. Notwithstanding any provision to the contrary, including the Provision of 30-A M.R.S.A. Section 4452, as now existing or amended in the future, the Town Of Machias shall be entitled to judgment against any violator for its costs, expert witness fees, code enforcement expenses and attorneys’ fees incurred in enforcing this Ordinance. The Town Of Machias shall also have the right to enforce this Ordinance through civil action, either at law or equity. The enforcement provisions herein contained shall exist in addition to those which may exist under Maine Statutory law or Maine Rule or Civil Procedure 80K, or any other court rule or statutory provision.

Each and every day of violation shall constitute a new and separate offenses for which a minimum penalty of $100.00 shall be assessed.

SECTION 1200.0 – CONFLICT WITH OTHER ORDINANCES AND DOCUMENTS

1200.0 Unless specified herein, this Ordinance does not repeal any other law, ordinance, regulation, rule, code or otherwise lawful deed restriction or covenant. Whenever the requirements of this ordinance are at variance with the regulations or restrictions of any other lawfully adopted law, ordinance, rule or regulation imposed by any governmental authority or any deed restriction or covenant, that which is more restrictive or imposes the higher standards or requirements shall govern. Not withstanding any other provisions of this Ordinance no premises shall be used or maintained in violation of any State or Federal pollution control or environmental protection law or regulation.
SECTION 1300.0 – SEVERABILITY

1300.0 In the event that any section, subsection or any portion of this Ordinance shall be declared by any Court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or other portion of this Ordinance. To this end, the provisions of the Ordinance are hereby declared to be several.

This Ordinance received its final reading on ___________ and was passed by Unanimous vote at that time and shall be in full force and effect upon being published in full force and effect upon being published in full within ten days after its final passage.

Attest: ______________________________________

Town Clerk
Example

TOWN OF MACHIAS WWTF
Technical Based Limits for Industrial Discharges in the Town of Machias

METHOD – Allowable Headworks Loadings Based on Prevention of Pollutant Pass
Through for BOD and TSS.

(8.34) (30mg/l average permitted NPDES discharge limit at Sewage Works) (0.37MGD)
15 percent of pollutants left in discharge

= 617 pounds of BOD and TSS that SewageWorks can technically treat daily

Domestic and commercial contributions = BOD – 500 pounds/day; TSS – 400 pounds/day

Allowable Industrial contributions = BOD – 617 allowable – 500 actual = 117 pounds/day
TSS – 617 allowable – 400 actual = 217 pounds/day
Machias Wastewater Sewer Connection and Dumping Fees

The Machias Board of Selectmen hereby establishes the following rates to be charged for the Machias Wastewater Sewer Connection fees and dumping fees in accordance with the Machias Sewer Ordinance. Said fees were effective on Qcfoficf, per decision by the Board of Selectmen, and became a part of said ordinance.

Sewer Line Reconnection Fee: $10.00 per unit for Residential
Sewer Line Reconnection Fee: $50.00 per unit for Commercial
New Sewer Line Connection Fee: $50.00 per unit for Residential
New Sewer Line Connection Fee: $300.00 per unit for Commercial
R.V. Dumping Fee: $10.00 per R.V.
Resident Septic Dumping Fee: $50.00/1000 gallons
Non-Resident Septic Dumping Fee: $50.00/1000 gallons

All connections to the Machias Wastewater Sewer System shall require an approved permit be obtained and the submission of required fees in advance of any work being performed. Please review the Machias Sewer Ordinance for additional information and requirements.

Machias Board of Selectmen

DATED: January 14, 2015
Machias Wastewater Sewer Connection and Dumping Fees

The Machias Board of Selectmen hereby establishes the following rates to be charged for the Machias Wastewater Sewer Connection fees and dumping fees in accordance with the Machias Sewer Ordinance. Said fees were effective on October 9, 2013, per decision by the Board of Selectmen, and became a part of said ordinance.

Sewer Line Reconnection Fee: $10.00 per unit for Residential
Sewer Line Reconnection Fee: $50.00 per unit for Commercial
New Sewer Line Connection Fee: $50.00 per unit for Residential
New Sewer Line Connection Fee: $300.00 per unit for Commercial
R.V. Dumping Fee: $10.00 per R.V.
Resident Septic Dumping Fee: $100.00/1000 gallons
Non-Resident Septic Dumping Fee: $225.00/1000 gallons

All connections to the Machias Wastewater Sewer System shall require an approved permit be obtained and the submission of required fees in advance of any work being performed. Please review the Machias Sewer Ordinance for additional information and requirements.

Machias Board of Selectmen

DATED: October 9, 2013

Telephone: (207) 255-6621 Fax: (207) 255-6492 E-Mail: machiastownmanager@myfairpoint.net

"Town of Machias is an equal opportunity/affirmative action employer"
Machias Wastewater Sewer Connection and Dumping Fees

The Machias Board of Selectmen hereby establishes the following rates to be charged for the Machias Wastewater Sewer Connection Fees and Dumping Fees in accordance with the Machias Sewer Ordinance. Said fees will become effective on April 1, 2006 and become a part of said Ordinance.

*Changes made to Resident and Non-resident Dumping Fees as of January 23, 2008.

- Sewer Line Reconnection Fee: $ 10.00 Per Unit For Residential
- New Sewer Line Connection Fee: $ 50.00 Per Unit For Commercial
- New Sewer Line Connection Fee: $ 50.00 Per Unit For Residential
- New Sewer Line Connection Fee: $300.00 Per Unit For Commercial
- R. V. Dumping Fee: $ 10.00 Per R. V.
- Resident Dumping Fee: $ 50.00 Per Thousand Gallons*
- Non-Resident Dumping Fee: $125.00 Per Thousand Gallons*

All connections to the Machias Wastewater Sewer System shall require an approved permit be obtained and the submission of required fees in advance of any work being performed. Please review the Machias Sewer Ordinance for additional information and requirements.

MACHIAS BOARD OF SELECTMEN

[Signatures]

Dated: ____________________________
## Town of Machias

### Sewer Rates 2015

**Effective July 1, 2015**

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For each additional 100 cubic feet add $6.00. For each additional 3000 cubic feet increment, add $18.50 for Debt Service.

Water Supply other than Machias Water Company or not metered = $143.00
TOWN OF MACHIAS
SEWER RATES 2010
TO BE EFFECTIVE JANUARY 1, 2010

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<tr>
<td>3201 - 3300</td>
<td>4.50</td>
<td>181.94</td>
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</tr>
</tbody>
</table>

For each additional 100 cubic feet add $4.50
For each additional 3000 cubic feet increment add $16.72 for Debt Service

Water Supply other than Machias Water Company or not metered = $111.22
TOWN OF MACHIAS

SHORELAND ZONING ORDINANCE

AMENDMENTS

JUNE 2, 2009

Town Meeting approval date 6/3/09

Sandra M. Clifter
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Purposes</td>
<td>3</td>
</tr>
<tr>
<td>2</td>
<td>Authority</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>Applicability</td>
<td>3</td>
</tr>
<tr>
<td>4</td>
<td>Effective Date</td>
<td>3</td>
</tr>
<tr>
<td>A.</td>
<td>Effective Date of Ordinance and Ordinance Amendments</td>
<td>3</td>
</tr>
<tr>
<td>B.</td>
<td>Sections 15(O) and 15(O-1)</td>
<td>3</td>
</tr>
<tr>
<td>5</td>
<td>Availability</td>
<td>4</td>
</tr>
<tr>
<td>6</td>
<td>Severability</td>
<td>4</td>
</tr>
<tr>
<td>7</td>
<td>Conflicts with Other Ordinances</td>
<td>4</td>
</tr>
<tr>
<td>8</td>
<td>Amendments</td>
<td>4</td>
</tr>
<tr>
<td>9</td>
<td>Districts and Zoning Map</td>
<td>4</td>
</tr>
<tr>
<td>A.</td>
<td>Official Shoreland Zoning Map</td>
<td>4</td>
</tr>
<tr>
<td>B.</td>
<td>Scale of Map</td>
<td>4</td>
</tr>
<tr>
<td>C.</td>
<td>Certification of Official Shoreland Zoning Map</td>
<td>4</td>
</tr>
<tr>
<td>D.</td>
<td>Changes to the Official Shoreland Zoning Map</td>
<td>4</td>
</tr>
<tr>
<td>10</td>
<td>Interpretation of District Boundaries</td>
<td>5</td>
</tr>
<tr>
<td>11</td>
<td>Land Use Requirements</td>
<td>5</td>
</tr>
<tr>
<td>12</td>
<td>Non-conformance</td>
<td>5</td>
</tr>
<tr>
<td>A.</td>
<td>Purpose</td>
<td>5</td>
</tr>
<tr>
<td>B.</td>
<td>General</td>
<td>5</td>
</tr>
<tr>
<td>C.</td>
<td>Non-conforming Structures</td>
<td>5</td>
</tr>
<tr>
<td>D.</td>
<td>Non-conforming Uses</td>
<td>7</td>
</tr>
<tr>
<td>E.</td>
<td>Non-conforming Lots</td>
<td>8</td>
</tr>
<tr>
<td>13</td>
<td>Establishment of Districts</td>
<td>9</td>
</tr>
<tr>
<td>A.</td>
<td>Resource Protection District</td>
<td>9</td>
</tr>
<tr>
<td>B.</td>
<td>Limited Residential District</td>
<td>9</td>
</tr>
<tr>
<td>C.</td>
<td>Limited Commercial District</td>
<td>10</td>
</tr>
<tr>
<td>D.</td>
<td>General Development I District</td>
<td>10</td>
</tr>
<tr>
<td>E.</td>
<td>General Development II District</td>
<td>10</td>
</tr>
<tr>
<td>F.</td>
<td>Commercial Fisheries/Maritime Activities District</td>
<td>10</td>
</tr>
<tr>
<td>G.</td>
<td>Stream Protection District</td>
<td>11</td>
</tr>
<tr>
<td>14</td>
<td>Table of Land Uses</td>
<td>11</td>
</tr>
<tr>
<td>15</td>
<td>Land Use Standards</td>
<td>13</td>
</tr>
<tr>
<td>A.</td>
<td>Minimum Lot Standards</td>
<td>13</td>
</tr>
<tr>
<td>B.</td>
<td>Principal and Accessory Structures</td>
<td>14</td>
</tr>
<tr>
<td>C.</td>
<td>Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water body or Within a Wetland</td>
<td>17</td>
</tr>
<tr>
<td>D.</td>
<td>Campgrounds</td>
<td>17</td>
</tr>
<tr>
<td>E.</td>
<td>Individual Private Campsites</td>
<td>18</td>
</tr>
<tr>
<td>F.</td>
<td>Commercial and Industrial Uses</td>
<td>18</td>
</tr>
<tr>
<td>G.</td>
<td>Parking Areas</td>
<td>19</td>
</tr>
<tr>
<td>H.</td>
<td>Roads and Driveways</td>
<td>19</td>
</tr>
<tr>
<td>I.</td>
<td>Signs</td>
<td>21</td>
</tr>
</tbody>
</table>
Shoreland Zoning Ordinance for the Municipality of
MACHIAS

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

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

3. Applicability. This Ordinance applies to all land areas within 250 feet, horizontal distance, of the

- normal high-water line of any great pond or river,
- upland edge of a coastal wetland, including all areas affected by tidal action, or
- upland edge of a freshwater wetland,

and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

4. Effective Date

A. Effective Date of Ordinance and Ordinance Amendments. This Ordinance, which was adopted by the municipal legislative body on _6/3/21_, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

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

B. Sections 15(0) and 15(0-1). Section 15(O) is repealed on the statutory date established under 38 M.R.S.A. section 438-A(5), at which time Section 15(O-1) shall become effective. Until such time as Section 15(O) is repealed, Section 15(O-1) is not in effect.
5. **Availability.** A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

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

7. **Conflicts with Other Ordinances.** Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.

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

9. **Districts and Zoning Map**

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

   (1) Resource Protection
   (2) Limited Residential
   (3) Limited Commercial
   (4) General Development I
   (5) General Development II
   (6) Commercial Fisheries/Maritime Activities
   (7) Stream Protection

   B. **Scale of Map.** The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

   C. **Certification of Official Shoreland Zoning Map.** The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

   D. **Changes to the Official Shoreland Zoning Map.** If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.
10. **Interpretation of District Boundaries.** Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

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

12. **Non-conformance.**

   **A. Purpose.** It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

   **B. General**

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

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

   **C. Non-conforming Structures**

   (1) **Expansions.** A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.

      (a) **After January 1, 1989** if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12(C)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.
(b) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(2) Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

(2) Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee 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. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

(a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

(b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

(3) Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or
damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee 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. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(2) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 12(C)(2) above, the physical condition and type of foundation present, if any.

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

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

D. Non-conforming Uses

(1) Expansions. Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12(C)(1)(a) above.

(2) Resumption Prohibited. A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use,
may not again be devoted to a non-conforming use except that the Planning Board may, for
good cause shown by the applicant, grant up to a one year extension to that time period. This
 provision shall not apply to the resumption of a use of a residential structure provided that
the structure has been used or maintained for residential purposes during the preceding five
(5) year period.

(3) Change of Use. An existing non-conforming use may be changed to another non-conforming
use provided that the proposed use has no greater adverse impact on the subject and adjacent
properties and resources, including water dependent uses in the CFMA district, than the
former use, as determined by the Planning Board. The determination of no greater adverse
impact shall be made according to criteria listed in Section 12(C)(4) above.

E. Non-conforming Lots

(1) Non-conforming Lots: A non-conforming lot of record as of the effective date of this
Ordinance or amendment thereto may be built upon, without the need for a variance,
provided that such lot is in separate ownership and not contiguous with any other lot in the
same ownership, and that all provisions of this Ordinance except lot area, lot width and shore
frontage can be met. Variances relating to setback or other requirements not involving lot
area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

(2) Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint
ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not
meet the dimensional requirements of this Ordinance, and if a principal use or structure
exists on each lot, the non-conforming lots may be conveyed separately or together, provided
that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and
the State of Maine Subsurface Wastewater Disposal Rules are complied with.

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

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

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

(a) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot
area; or
(b) Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

13. Establishment of Districts

A. Resource Protection District. The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial, General Development I, or Commercial Fisheries/Maritime Activities Districts need not be included within the Resource Protection District.

(1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph “wetlands associated with great ponds and rivers” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river.

(2) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

(3) Areas of two or more contiguous acres with sustained slopes of 20% or greater.

(4) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

(5) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

B. Limited Residential District. The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District, the General Development Districts, or the Commercial Fisheries/Maritime Activities District.
C. **Limited Commercial District.** The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development Districts. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. **General Development I District.** The General Development I District includes the following types of existing, intensively developed areas:

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

2. Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

E. **General Development II District.** The General Development II District includes the same types of areas as those listed for the General Development I District. The General Development II District, however, shall be applied to newly established General Development Districts where the pattern of development at the time of adoption is undeveloped or not as intensively developed as that of the General Development I District.

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

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

F. **Commercial Fisheries/Maritime Activities District.** The Commercial Fisheries/Maritime Activities District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district as indicated in the Table of Land Uses, Section 14, and other areas which are suitable for functionally water-dependent uses, taking into consideration such factors as:

1. Shelter from prevailing winds and waves;

2. Slope of the land within 250 feet, horizontal distance, of the shoreline;
(3) Depth of the water within 150 feet, horizontal distance, of the shoreline;

(4) Available support facilities including utilities and transportation facilities; and

(5) Compatibility with adjacent upland uses.

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

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

Key to Table 1:

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

No - Prohibited

PB - Allowed with permit issued by the Planning Board.

CEO - Allowed with permit issued by the Code Enforcement Officer

LPI - Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

RP - Resource Protection

GD General Development I and General Development II

LR - Limited Residential

CFMA - Commercial Fisheries/Maritime Activities

LC - Limited Commercial

SP - Stream Protection

The following notes are applicable to the Land Uses Table on the following page:
TABLE 1. LAND USES IN THE SHORELAND ZONE

<table>
<thead>
<tr>
<th>LAND USES DISTRICT</th>
<th>SP</th>
<th>RP</th>
<th>LR</th>
<th>LC</th>
<th>GD</th>
<th>CFMA</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Non-intensive recreational uses not requiring structures such as hunting, fishing, and hiking</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>2. Motorized vehicular traffic on existing roads and trails</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<tr>
<td>3. Forest management activities except for timber harvesting &amp; land management roads</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>4. Timber harvesting</td>
<td>yes</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<td>5. Clearing or removal of vegetation for activities other than timber harvesting</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<td>6. Fire prevention activities</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<td>7. Wildlife management practices</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<td>8. Soil and water conservation practices</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<td>9. Mineral exploration</td>
<td>no</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<td>10. Mineral extraction including sand and gravel extraction</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
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<td>11. Surveying and resource analysis</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<td>12. Emergency operations</td>
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<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<td>13. Agriculture</td>
<td>yes</td>
<td>PB</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<td>14. Aquaculture</td>
<td>PB</td>
<td>PB</td>
<td>yes</td>
<td>yes</td>
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<td>yes</td>
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<td>15. Principal structures and uses</td>
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<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>no</td>
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<tr>
<td>A. One and two family residential, including driveways</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
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<td>B. Multi-unit residential</td>
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<td>no</td>
<td>PB</td>
<td>PB</td>
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<td>no</td>
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<tr>
<td>C. Commercial</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
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<td>D. Industrial</td>
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<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>no</td>
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<tr>
<td>E. Governmental and Institutional</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
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<td>F. Small non-residential facilities for educational, scientific, or nature interpretation purposes</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
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<td>16. Structures accessory to allowed uses</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
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<td>17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland</td>
<td>CEO</td>
<td>CEO</td>
<td>no</td>
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<td></td>
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<tr>
<td>a. Temporary</td>
<td>PB</td>
<td>PB</td>
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<td>CEO</td>
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<tr>
<td>b. Permanent</td>
<td>PB</td>
<td>PB</td>
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<td>18. Conversions of seasonal residences to year-round residences</td>
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<td>19. Home occupations</td>
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<td>20. Private sewage disposal systems for allowed uses</td>
<td>CEO</td>
<td>CEO</td>
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<td>21. Essential services</td>
<td>CEO</td>
<td>CEO</td>
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<tr>
<td>A. Roadside distribution lines (34.5kV and lower)</td>
<td>CEO</td>
<td>CEO</td>
<td>no</td>
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<td>B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone</td>
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<td>CEO</td>
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<td>C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone</td>
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<td>D. Other essential services</td>
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<td>22. Service drops, as defined, to allowed uses</td>
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<td>CEO</td>
<td>no</td>
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<td>23. Public and private recreational areas involving minimal structural development</td>
<td>CEO</td>
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<td>24. Individual, private campsite</td>
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<td>CEO</td>
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<td>25. Campgrounds</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>no</td>
<td></td>
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<tr>
<td>26. Road construction</td>
<td>CEO</td>
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<td>27. Land management roads</td>
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<td></td>
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<td>28. Parking facilities</td>
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<td>CEO</td>
<td>no</td>
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<td></td>
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<td>29. Marinas</td>
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<td>30. Filling and earth moving of &lt; 10 cubic yards</td>
<td>CEO</td>
<td>CEO</td>
<td>no</td>
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<td></td>
<td></td>
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<tr>
<td>31. Filling and earth moving of &gt; 10 cubic yards</td>
<td>CEO</td>
<td>CEO</td>
<td>no</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>32. Signs</td>
<td>CEO</td>
<td>CEO</td>
<td>no</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>33. Uses similar to allowed uses</td>
<td>CEO</td>
<td>CEO</td>
<td>no</td>
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<td></td>
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<tr>
<td>34. Uses similar to uses requiring a CEO permit</td>
<td>CEO</td>
<td>CEO</td>
<td>no</td>
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<td></td>
<td></td>
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<tr>
<td>35. Uses similar to uses requiring a PB permit</td>
<td>CEO</td>
<td>CEO</td>
<td>no</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
2. Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
3. In RP not allowed in areas so designated because of wildlife value.
4. Provided that a variance from the setback requirement is obtained from the Board of Appeals.
5. Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).
6. See further restrictions in Section 15(I)(2).
7. Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.
8. Except as provided in Section 15(H)(4).
9. Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special Exceptions. Two-family residential structures are prohibited.
10. Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.
Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

Permit not required but must file a written "notice of intent to construct" with CEO.

NOTE: Item 17, in its entirety, should be deleted from Table 1 if a municipality elects not to regulate "piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland".

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:
A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
B. Draining or otherwise dewatering;
C. Filling, including adding sand or other material to a sand dune; or
D. Any construction or alteration of any permanent structure.

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

A. Minimum Lot Standards

<table>
<thead>
<tr>
<th>Minimum Lot Standards</th>
<th>Minimum Lot Area (sq. ft.)</th>
<th>Minimum Shore Frontage (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Residential per dwelling unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Within the Shoreland Zone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adjacent to Tidal Areas</td>
<td>30,000</td>
<td>150</td>
</tr>
<tr>
<td>(ii) Within the Shoreland Zone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adjacent to Non-Tidal Areas</td>
<td>40,000</td>
<td>200</td>
</tr>
<tr>
<td>(b) Governmental, Institutional, Commercial or Industrial per principal structure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Within the Shoreland Zone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adjacent to Tidal Areas, Exclusive</td>
<td></td>
<td></td>
</tr>
<tr>
<td>of Those Areas Zoned for</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial Fisheries and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maritime Activities</td>
<td>40,000</td>
<td>200</td>
</tr>
<tr>
<td>(ii) Within the Shoreland Zone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adjacent to Tidal Areas Zoned for</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial Fisheries and</td>
<td>NONE</td>
<td>NONE</td>
</tr>
<tr>
<td>Maritime Activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(iii) Within the Shoreland Zone</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adjacent to Non-tidal Areas</td>
<td>60,000</td>
<td>300</td>
</tr>
<tr>
<td>(c) Public and Private Recreational Facilities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Within the Shoreland Zone Adjacent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>to Tidal and Non-Tidal Areas</td>
<td>40,000</td>
<td>200</td>
</tr>
</tbody>
</table>
(2) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

(3) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

(4) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

(5) If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

B. Principal and Accessory Structures

(1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development I District the setback from the normal high-water line shall be at least twenty five (25) feet, horizontal distance, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

(a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

(b) All principal structures along Significant River Segments as listed in 38 M.R.S.A. section 437 (see Appendix B), shall be set back a minimum of one hundred and twenty-five (125) feet, horizontal distance, from the normal high-water line and shall be screened from the river by existing vegetation. This provision does not apply to structures related to hydropower facilities.

(c) For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified
Soil Scientist, a Maine State Geologist, or other qualified individual to make a
determination. If agreement is still not reached, the applicant may appeal the matter to the
board of appeals.

(d) On a non-conforming lot of record on which only a residential structure exists, and it is not
possible to place an accessory structure meeting the required water body, tributary stream
or wetland setbacks, the code enforcement officer may issue a permit to place a single
accessory structure, with no utilities, for the storage of yard tools and similar equipment.
Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet
in height, and shall be located as far from the shoreline or tributary stream as practical and
shall meet all other applicable standards, including lot coverage and vegetation clearing
limitations. In no case shall the structure be located closer to the shoreline or tributary
stream than the principal structure.

(2) Principal or accessory structures and expansions of existing structures which are permitted in
the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection
Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to
structures such as transmission towers, windmills, antennas, and similar structures having no
floor area.

(3) The lowest floor elevation or openings of all buildings and structures, including basements,
shall be elevated at least one foot above the elevation of the 100 year flood, the flood of
record, or in the absence of these, the flood as defined by soil types identified as recent
flood-plain soils. In those municipalities that participate in the National Flood Insurance
Program and have adopted the April 2005 version, or later version, of the Floodplain
Management Ordinance, accessory structures may be placed in accordance with the
standards of that ordinance and need not meet the elevation requirements of this paragraph.

(4) The total footprint area of all structures, parking lots and other non-vegetated surfaces,
within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof,
located within the shoreland zone, including land area previously developed, except in the
General Development District adjacent to tidal waters and rivers that do not flow to great
ponds classified GPA, and in the Commercial Fisheries/Maritime Activities District, where
lot coverage shall not exceed seventy (70) percent.

(5) Retaining walls that are not necessary for erosion control shall meet the structure setback
requirement, except for low retaining walls and associated fill provided all of the following
conditions are met:

(a) The site has been previously altered and an effective vegetated buffer does not exist;

(b) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line
of a water body, tributary stream, or upland edge of a wetland;

(c) The site where the retaining wall will be constructed is legally existing lawn or is a site
eroding from lack of naturally occurring vegetation, and which cannot be stabilized with
vegetative plantings;

(d) The total height of the wall(s), in the aggregate, are no more than 24 inches;
(e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.

(f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

(g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

(i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;

(ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

(iii) Only native species may be used to establish the buffer area;

(iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

(v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;

(6) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.
C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.

(1) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

(2) The location shall not interfere with existing developed or natural beach areas.

(3) The facility shall be located so as to minimize adverse effects on fisheries.

(4) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.

(5) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

(6) New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

(7) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

(8) Except in the General Development Districts and Commercial Fisheries/Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

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

(1) Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

(2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
E. **Individual Private Campsites.** Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

(1) One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

(2) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

(3) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

(4) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

(5) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

(6) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

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

(1) Auto washing facilities

(2) Auto or other vehicle service and/or repair operations, including body shops

(3) Chemical and bacteriological laboratories

(4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms

(5) Commercial painting, wood preserving, and furniture stripping

(6) Dry cleaning establishments
(7) Electronic circuit assembly

(8) Laundromats, unless connected to a sanitary sewer

(9) Metal plating, finishing, or polishing

(10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas

(11) Photographic processing

(12) Printing

G. Parking Areas

(1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that in the Commercial Fisheries/Maritime Activities District parking areas shall be set back at least twenty-five (25) feet, horizontal distance, from the shoreline. The setback requirement for parking areas serving public boat launching facilities in Districts other than the General Development I District and Commercial Fisheries/Maritime Activities District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

(2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.

(3) In determining the appropriate size of proposed parking facilities, the following shall apply:

(a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

(b) Internal travel aisles: Approximately twenty (20) feet wide.

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

(1) Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.
On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 15 (H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

(2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.

(3) New permanent roads are not allowed within the shoreland zone along Significant River Segments except:

(a) To provide access to structures or facilities within the zone; or

(b) When the applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

(4) New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

(5) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(Q).

(6) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

(7) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
(8) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

(a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

<table>
<thead>
<tr>
<th>Grade (Percent)</th>
<th>Spacing (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2</td>
<td>250</td>
</tr>
<tr>
<td>3-5</td>
<td>200-135</td>
</tr>
<tr>
<td>6-10</td>
<td>100-80</td>
</tr>
<tr>
<td>11-15</td>
<td>80-60</td>
</tr>
<tr>
<td>16-20</td>
<td>60-45</td>
</tr>
<tr>
<td>21+</td>
<td>40</td>
</tr>
</tbody>
</table>

(b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

(9) Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

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

(1) Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

(2) Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.

(3) Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
(4) Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

(5) Signs relating to public safety shall be allowed without restriction.

(6) No sign shall extend higher than twenty (20) feet above the ground.

(7) Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

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

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

K. Septic Waste Disposal

(1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following:  
   a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and 
   b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

L. Essential Services

(1) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

(2) The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

(3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

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

1. A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(4) below.

2. No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.

3. Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.

4. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
   
   a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
   
   b. The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.
   
   c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

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

N. Agriculture

1. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or
modified such that the facility produces no discharge of effluent or contaminated storm water.

(3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

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

(5) Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies and coastal wetlands, nor; within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

O. Timber Harvesting

(1) In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:

(a) Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:

(1) The ground is frozen;
(2) There is no resultant soil disturbance;
(3) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
(4) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 ½ feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and
(5) A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.

(b) Beyond the 75 foot strip referred to in Section 15(O)(1)(a) above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 4 ½ inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.
(2) Except in areas as described in Section 15(O)(1) above, timber harvesting shall conform with the following provisions:

(a) Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:

(i) Within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

(ii) At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.

(b) Timber harvesting operations exceeding the 40% limitation in Section 15(O)(2)(a) above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board’s decision.

(c) No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.

(d) Timber harvesting equipment shall not use stream channels as travel routes except when:

(i) Surface waters are frozen; and

(ii) The activity will not result in any ground disturbance.

(e) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

(f) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion
of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

(g) Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

O-1. Timber Harvesting – Statewide Standards [Effective on effective date established in Section 4(B)]

(1) Shoreline integrity and sedimentation. Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands occurs, such conditions must be corrected.

(2) Slash treatment. Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high-water line of any water body or tributary stream, or the upland edge of a wetland. Section 15(O-1)(2) does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.

(a) Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than 4 feet above the ground.

(b) Adjacent to great ponds, rivers and wetlands:

   (i) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high-water line or upland edge of a wetland; and

   (ii) Between 50 feet and 250 feet, horizontal distance, of the normal high-water line or upland edge of a wetland, all slash larger than 3 inches in diameter must be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.

(3) Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options:
(a) Option 1 (40% volume removal), as follows:

(i) Harvesting of no more than 40 percent of the total volume on each acre of trees 4.5 inches DBH or greater in any 10 year period is allowed. Volume may be considered to be equivalent to basal area;

(ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,

(iii) Within 75 feet, horizontal distance, of the normal high-water line of rivers, streams, and great ponds, and within 75 feet, horizontal distance, of the upland edge of a freshwater or coastal wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of total volume removal. Volume may be considered equivalent to basal area.

(b) Option 2 (60 square foot basal area retention), as follows:

(i) The residual stand must contain an average basal area of at least 60 square feet per acre of woody vegetation greater than or equal to 1.0 inch DBH, of which 40 square feet per acre must be greater than or equal to 4.5 inches DBH;

(ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,

(iii) Within 75 feet, horizontal distance, of the normal high-water line of water bodies and within 75 feet, horizontal distance, of the upland edge of wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond, or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of the average basal area. Volume may be considered equivalent to basal area.

(c) Option 3 (Outcome based), which requires: An alternative method proposed in an application, signed by a Licensed Forester or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation’s Bureau of Forestry (Bureau) for review and approval, which provides equal or better protection of the shoreland area than this rule.
Landowners must designate on the Forest Operations Notification form required by 12 M.R.S.A. chapter 805, subchapter 5 which option they choose to use. If landowners choose Option 1 or Option 2, compliance will be determined solely on the criteria for the option chosen. If landowners choose Option 3, timber harvesting and related activities may not begin until the Bureau has approved the alternative method.

The Bureau may verify that adequate tree cover and a well-distributed stand of trees is retained through a field procedure that uses sample plots that are located randomly or systematically to provide a fair representation of the harvest area.

(4) Skid trails, yards, and equipment operation. This requirement applies to the construction, maintenance, and use of skid trails and yards in shoreland areas.

(a) Equipment used in timber harvesting and related activities shall not use river, stream or tributary stream channels as travel routes except when surface waters are frozen and snow covered, and the activity will not result in any ground disturbance.

(b) Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a water body, tributary stream, or wetland. Upon termination of their use, skid trails and yards must be stabilized.

(c) Setbacks:

(i) Equipment must be operated to avoid the exposure of mineral soil within 25 feet, horizontal distance, of any water body, tributary stream, or wetland. On slopes of 10 percent or greater, the setback for equipment operation must be increased by 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent. Where slopes fall away from the resource, no increase in the 25-foot setback is required.

(ii) Where such setbacks are impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(5) Land Management Roads. Land management roads, including approaches to crossings of water bodies, tributary stream channels, and freshwater wetlands, ditches and other related structures, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the water body, tributary stream or wetland. Surface water on or adjacent to water crossing approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or wetland. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the setback requirements in Section 15(O-1)(7) of this rule.
(a) Land management roads and associated ditches, excavation, and fill must be set back at least:

(i) 100 feet, horizontal distance, from the normal high-water line of a great pond, river or freshwater or coastal wetland;

(ii) 50 feet, horizontal distance, from the normal high-water line of streams; and

(iii) 25 feet, horizontal distance, from the normal high-water line of tributary streams

(b) The minimum 100 foot setback specified in Section 15(O-1)(5)(a)(i) above may be reduced to no less than 50 feet, horizontal distance, and the 50 foot setback specified in Section 15(O-1)(5)(a)(ii) above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner’s designated agent demonstrates to the Planning Board’s satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(c) On slopes of 10 percent or greater, the land management road setback must be increased by at least 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent.

(d) New land management roads are not allowed within the shoreland area along Significant River Segments as identified in 38 M.R.S.A. section 437, nor in a Resource Protection District, unless, prior to construction, the landowner or the landowner’s designated agent makes a clear demonstration to the Planning Board’s satisfaction that no reasonable alternative route exists outside the shoreland zone, and that the new road must be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

(e) Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage structures shall deliver a dispersed flow of water into an unscarified filter strip no less than the width indicated in the setback requirements in Section 15(O-1)(7). Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream, or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
(f) Road closeout and discontinuance. Maintenance of the water control installations required in Section 15(O-1)(5)(e) must continue until use of the road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.

(g) Upgrading existing roads. Extension or enlargement of presently existing roads must conform to the provisions of Section 15(O-1). Any nonconforming existing road may continue to exist and to be maintained, as long as the nonconforming conditions are not made more nonconforming.

(h) Exception. Extension or enlargement of presently existing roads need not conform to the setback requirements of Section 15(O-1)(5)(a) if, prior to extension or enlargement, the landowner or the landowner’s designated agent demonstrates to the Planning Board’s satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(i) Additional measures. In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of roads and river, stream and tributary stream crossings must take reasonable measures to avoid sedimentation of surface waters.

(6) Crossings of waterbodies. Crossings of rivers, streams, and tributary streams must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.


(b) Upgrading existing water crossings. Extension or enlargement of presently existing water crossings must conform to the provisions of Section 15(O-1). Any nonconforming existing water crossing may continue to exist and be maintained, as long as the nonconforming conditions are not made more nonconforming; however, any maintenance or repair work done below the normal high-water line must conform to the provisions of Section 15(O-1).

(c) Other Agency Permits. Any timber harvesting and related activities involving the design, construction, and maintenance of crossings on waterbodies other than a river, stream or tributary stream may require a permit from the Land Use Regulation Commission, the Department of Environmental Protection, or the US Army Corps of Engineers.
(d) Any timber harvesting and related activities involving the design, construction, and maintenance of crossings of freshwater wetlands identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat require prior consultation with the Department of Inland Fisheries and Wildlife.

(e) Notice to Bureau of Forestry. Written notice of all water crossing construction maintenance, alteration and replacement activities in shoreland areas must be given to the Bureau prior to the commencement of such activities. Such notice must contain all information required by the Bureau, including:

(i) a map showing the location of all proposed permanent crossings;
(ii) the GPS location of all proposed permanent crossings;
(iii) for any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits; and
(iv) a statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained, and closed out in accordance with the requirements of this Section.

(f) Water crossing standards. All crossings of rivers require a bridge or culvert sized according to the requirements of Section 15(0-1)(6)(g)) below. Streams and tributary streams may be crossed using temporary structures that are not bridges or culverts provided:

(i) concentrated water runoff does not enter the stream or tributary stream;
(ii) sedimentation of surface waters is reasonably avoided;
(iii) there is no substantial disturbance of the bank, or stream or tributary stream channel;
(iv) fish passage is not impeded; and,
(v) water flow is not unreasonably impeded.

Subject to Section 15(0-1)(6)(f)(i-v) above, skid trail crossings of streams and tributary streams when channels of such streams and tributary streams are frozen and snow-covered or are composed of a hard surface which will not be eroded or otherwise damaged are not required to use permanent or temporary structures.

(g) Bridge and Culvert Sizing. For crossings of river, stream and tributary stream channels with a bridge or culvert, the following requirements apply:

(i) Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to 2 1/2 times the cross-sectional area of the river, stream, or tributary stream channel.

(ii) Temporary bridge and culvert sizes may be smaller than provided in Section 15(0-1)(6)(g)(i) if techniques are effectively employed such that in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the water body or tributary stream is avoided. Such crossing structures must be at least as wide as the channel and placed above the normal high-water line. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:
1. use of temporary skidder bridges;
2. removing culverts prior to the onset of frozen ground conditions;
3. using water bars in conjunction with culverts;
4. using road dips in conjunction with culverts.

(iii) Culverts utilized in river, stream and tributary stream crossings must:

1. be installed at or below river, stream or tributary stream bed elevation;
2. be seated on firm ground;
3. have soil compacted at least halfway up the side of the culvert;
4. be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
5. have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert.

(iv) River, stream and tributary stream crossings allowed under Section 15(0-1), but located in flood hazard areas (i.e. A zones) as identified on a community's Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM), must be designed and constructed under the stricter standards contained in that community's National Flood Insurance Program (NFIP). For example, a water crossing may be required to pass a 100-year flood event.

(v) Exception. Skid trail crossings of tributary streams within shoreland areas and wetlands adjacent to such streams may be undertaken in a manner not in conformity with the requirements of the foregoing subsections provided persons conducting such activities take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands occurs, such conditions must be corrected.

(h) Skid trail closeout. Upon completion of timber harvesting and related activities, or upon the expiration of a Forest Operations Notification, whichever is earlier, the following requirements apply:

(i) Bridges and culverts installed for river, stream and tributary stream crossings by skid trails must either be removed and areas of exposed soil stabilized, or upgraded to comply with the closeout standards for land management roads in Section 15(O-1)(6)(i) below.

(ii) Water crossing structures that are not bridges or culverts must either be removed immediately following timber harvesting and related activities, or, if frozen into the river, stream or tributary stream bed or bank, as soon as practical after snowmelt.
(iii) River, stream and tributary stream channels, banks and approaches to crossings of water bodies and tributary streams must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snow-covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(i) Land management road closeout. Maintenance of the water control features must continue until use of the road is discontinued and the road is put to bed by taking the following actions:

(i) Effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the road surface.

(ii) Water crossing structures must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the water body or tributary stream.

(iii) Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements:

1. it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
2. it shall be designed to provide an opening with a cross-sectional area at least 3 1/2 times the cross-sectional area of the river, stream or tributary stream channel; or
3. it shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the river, stream or tributary stream.

If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(7) Slope Table

Filter strips, skid trail setbacks, and land management road setbacks must be maintained as specified in Section 15(O-1), but in no case shall be less than shown in the following table.

<table>
<thead>
<tr>
<th>Average slope of land between exposed mineral soil and the shoreline (percent)</th>
<th>Width of strip between exposed mineral soil and shoreline (feet along surface of the ground)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>25</td>
</tr>
<tr>
<td>10</td>
<td>45</td>
</tr>
<tr>
<td>20</td>
<td>65</td>
</tr>
<tr>
<td>30</td>
<td>85</td>
</tr>
<tr>
<td>40</td>
<td>105</td>
</tr>
<tr>
<td>50</td>
<td>125</td>
</tr>
<tr>
<td>60</td>
<td>145</td>
</tr>
<tr>
<td>70</td>
<td>165</td>
</tr>
</tbody>
</table>
P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

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

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

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

(a) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

(b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

<table>
<thead>
<tr>
<th>Diameter of Tree at 4-1/2 feet Above Ground Level (inches)</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 - &lt; 4 in.</td>
<td>1</td>
</tr>
<tr>
<td>4 - &lt; 8 in.</td>
<td>2</td>
</tr>
<tr>
<td>8 &lt; 12 in.</td>
<td>4</td>
</tr>
<tr>
<td>12 in. or greater</td>
<td>8</td>
</tr>
</tbody>
</table>

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

The following shall govern in applying this point system:

(i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
(ii) Each successive plot must be adjacent to, but not overlap a previous plot;
(iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
(iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;
(v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P)(2)(b) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 1/2) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

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

(c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.

(d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

(e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

Section 15(P)(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

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

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision shall not apply to the General Development or Commercial Fisheries/Maritime Activities Districts.

(4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

(5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).
Q. Erosion and Sedimentation Control

(1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized 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 permitting authority for approval and shall include, where applicable, provisions for:

(a) Mulching and revegetation of disturbed soil.

(b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

(c) Permanent stabilization structures such as retaining walls or rip-rap.

(2) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

(3) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

(4) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

(a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

(b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

(c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

(5) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

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

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

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

16. ADMINISTRATION

A. Administering Bodies and Agents

(1) Code Enforcement Officer. A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.

(2) Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. section 2691.

(3) Planning Board. A Planning Board shall be created in accordance with the provisions of State law.

B. Permits Required. After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

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

(a) The replacement culvert is not more than 25% longer than the culvert being replaced;

(b) The replacement culvert is not longer than 75 feet; and

(c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
(2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer’s level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

(3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

(1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.

(2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

(3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

(4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

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

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

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

(1) Will maintain safe and healthful conditions;

(2) Will not result in water pollution, erosion, or sedimentation to surface waters;
(3) Will adequately provide for the disposal of all wastewater;

(4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

(5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

(6) Will protect archaeological and historic resources as designated in the comprehensive plan;

(7) Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;

(8) Will avoid problems associated with floodplain development and use; and

(9) Is in conformance with the provisions of Section 15, Land Use Standards.

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

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

(1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

(2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.

(3) All proposed buildings, sewage disposal systems and other improvements are:

   (a) Located on natural ground slopes of less than 20%; and

   (b) Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency’s Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.
(4) The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

(5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit. 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 during 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, at which time the permit shall expire.

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

H. Appeals

(1) Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:

(a) Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

(b) Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

(2) Variance Appeals. Variances may be granted only under the following conditions:

(a) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
(b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

(c) The Board shall not grant a variance unless it finds that:

(i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and

(ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

a. That the land in question cannot yield a reasonable return unless a variance is granted;

b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

c. That the granting of a variance will not alter the essential character of the locality; and

d. That the hardship is not the result of action taken by the applicant or a prior owner.

(d) Notwithstanding Section 16(H)(2)(c)(ii) above, 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 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 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 railing, wall or roof systems necessary for the safety or effectiveness of the structure.

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

(f) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.
(3) Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

(4) Appeal Procedure

(a) Making an Appeal

(i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

(ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

(iii) Upon receiving an application for an administrative appeal or a variance, 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.

(iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.
(b) Decision by Board of Appeals

(i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

(ii) The person filing the appeal shall have the burden of proof.

(iii) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

(iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board’s decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

(5) Appeal to Superior Court. Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

(6) Reconsideration. In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (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 fifteen (15) days after the decision on reconsideration.

I. Enforcement

(1) Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance.

(2) Code Enforcement Officer

(a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done,
removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

(b) The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

(c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

(3) Legal Actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

(4) Fines. Any person, including but not limited to a landowner, a landowner’s agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

17. Definitions.

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

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

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

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

Basement - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Boat Launching Facility - a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Bureau – State of Maine Department of Conservation’s Bureau of Forestry

Campground - any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy – the more or less continuous cover formed by tree crowns in a wooded area.

Coastal wetland - all tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes. All areas below the maximum spring tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.

Commercial use - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Cross-sectional area – the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

DBH – the diameter of a standing tree measured 4.5 feet from ground level.

Development – a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

Dimensional requirements - numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.
Disability - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

Disruption of shoreline integrity - the alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

Driveway - a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

Emergency operations - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

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

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

Expansion of use - the addition of one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

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

Floodway - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

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

Forest management activities - timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.
Forested wetland - a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

Forest Stand - a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

Foundation - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

Freshwater wetland - freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten 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

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Functionally water-dependent uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.

Great pond - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Great pond classified GPA - any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

Ground cover - small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.
Harvest Area - the area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

Height of a structure - the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Home occupation - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

Increase in nonconformity of a structure - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual private campsite - an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

Industrial - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Institutional – a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Land Management Road - a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

Licensed Forester - a forester licensed under 32 M.R.S.A. Chapter 76.
Lot area - The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

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

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

Mineral exploration - hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral extraction - any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Minimum lot width - the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Multi-unit residential - a residential structure containing three (3) or more residential dwelling units.

Native – indigenous to the local forests.

Non-conforming condition – non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

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

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

Non-conforming use - use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal high-water line (non-tidal waters) - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.
Person - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland.

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Principal structure - a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal use - a use other than one which is wholly incidental or accessory to another use on the same premises.

Public facility - any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent floodplain soils - the following soil series as described and identified by the National Cooperative Soil Survey:

<table>
<thead>
<tr>
<th>Soil Series</th>
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<tr>
<td>Fryeburg</td>
<td>Hadley</td>
<td>Limerick</td>
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<td>Lovewell</td>
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<td>Alluvial</td>
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<td>Podunk</td>
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<td>Suncook</td>
<td>Sunday</td>
<td>Winooski</td>
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Recreational facility - a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational vehicle - a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system - a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and 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.
Residual basal area - the average of the basal area of trees remaining on a harvested site.

Riprap - rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

Residual Stand - a stand of trees remaining in the forest following timber harvesting and related activities

River - a free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth. The portion of the river subject to tidal action is a coastal wetland.

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, excluding a driveway as defined.

Salt marsh - Areas of coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (Spartina alterniflora). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

Salt meadow - Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (Spartina patens) and black rush; common threesquare occurs in fresher areas.

Service drop - any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service
   a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
   b. the total length of the extension is less than one thousand (1,000) feet.

2. in the case of telephone service
   a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
   b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback - the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.
Shore frontage - the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland zone - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

Shoreline – the normal high-water line, or upland edge of a freshwater or coastal wetland.

Significant River Segments - See Appendix B or 38 M.R.S.A. section 437.

Skid Road or Skid Trail - a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash - the residue, e.g., treetops and branches, left on the ground after a timber harvest.

Stream - a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area.

Structure - anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guy ing and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Substantial start - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system – any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

Sustained slope - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Tidal waters – all waters affected by tidal action during the maximum spring tide.

Timber harvesting - the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting
or removal of trees shall be regulated pursuant to Section 15 (P), Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

Timber harvesting and related activities - timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

Tributary stream -- means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Upland edge of a wetland - the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation, or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

Vegetation - all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

Velocity zone - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Volume of a structure - the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body - any great pond, river or stream.

Water crossing - any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland - a freshwater or coastal wetland.

Windfirm - the ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

Woody Vegetation - live trees or woody, non-herbaceous shrubs.
STATUTORY AUTHORITY: 38 M.R.S.A. Section 438-A(5)

EFFECTIVE DATE:
January 13, 1988 (Filed as 06-101, Ch. 1)

AMENDED:
March 24, 1990 (Filed as 06-096, Ch. 1000)
June 19, 1991 - Sections 15 and 17
July 14, 1992 - Sections 4, 8, 9, 12, 15, 16 & 17
August 7, 1994 - Sections 3, 14 & 16

EFFECTIVE DATE (ELECTRONIC CONVERSION): May 5, 1996

NON-SUBSTANTIVE CORRECTIONS:
December 29, 1997 - minor spelling and formatting.
April 1, 1998 - minor renumbering and formatting.

AMENDED:
February 6, 1999
February 13, 2000
May 1, 2006 – Filing 2006-115
APPENDIX A

38 §437. Significant river segments identified

For purposes of this chapter, significant river segments include the following:

1. **Aroostook River.** The Aroostook River from St. Croix Stream in Masardis to the Masardis and T.10, R.6, W.E.L.S. townline, excluding segments in T.9, R.5, W.E.L.S.; including its tributary the Big Machias River from the Aroostook River in Ashland to the Ashland and Garfield Plantation townlines;

2. **Dennys River.** The Dennys River from the railroad bridge in Dennysville Station to the dam at Meddybemps Lake, excluding the western shore in Edmunds Township and No. 14 Plantation;

3. **East Machias River.** The East Machias River from 1/4 of a mile above the Route 1 bridge in East Machias to the East Machias and T.18, E.D., B.P.P. townline, and from the T.19, E.D., B.P.P. and Wesley townline to the outlet of Crawford Lake in Crawford, excluding Hadley Lake;

4. **Fish River.** The Fish River from the bridge in Fort Kent Mills to the outlet of Eagle Lake in Wallagrass, and from the Portage Lake and T.14, R.6, townline to the Portage Lake and T.13, R.7, W.E.L.S. townline, excluding Portage Lake;

5. **Machias River.** The Machias River from the Whitneyville and Machias townline to the Northfield T.19, M.D., B.P.P. townline;

6. **Mattawamkeag River.** The Mattawamkeag River from the outlet of Mattakeunk Stream in Winn to the Mattawamkeag and Kingman Township townline, and from the Reed Plantation and Bancroft townline to the East Branch, including its tributaries the West Branch from the Mattawamkeag River to the Haynesville T.3, R.3, W.E.L.S. townline and from its inlet into Upper Mattawamkeag Lake to the Route 2 bridge; the East Branch from the Mattawamkeag River to the Haynesville and Forktown Township townline and from the T.4, R 3, W.E.L.S. and Oakfield townline to Red Bridge in Oakfield; the Fish Stream from the Route 95 bridge in Island Falls to the Crystal-Patten townline; and the Baskehegan Stream from its inlet into Crooked Brook Flowage in Danforth to the Danforth and Brookton Township townline;

7. **Narraguagus River.** The Narraguagus River from the ice dam above the railroad bridge in Cherryfield to the Beddington and Devereaux Township townline, excluding Beddington Lake;

8. **East Branch of Penobscot.** The East Branch of the Penobscot from the Route 157 bridge in Medway to the East Millinocket and Grindstone Township townline;

9. **Pleasant River.** The Pleasant River from the railroad bridge in Columbia Falls to the Columbia and T.18, M.D., B.P.P. townline, and from the T.24, M.D., B.P.P. and Beddington townline to the outlet of Pleasant River Lake;

10. **Rapid River.** The Rapid River from the Magalloway Plantation and Upton townline to the outlet of Pond in the River;

11. **West Branch Pleasant River.** The West Branch Pleasant River from the East Branch to the Brownville and Williamsburg Township townline; and

12. **West Branch of Union River.** The West Branch of the Union River from the Route 9 bridge in Amherst to the outlet of Great Pond in the Town of Great Pond.
SPECIAL AMUSEMENT PERMITS FOR BUSINESSES SERVING ALCOHOLIC BEVERAGES

A new addition to the liquor licenses laws, 28 MRSA §702, now requires that if establishments licensed for the sale of alcoholic beverages are to be permitted to have live music, dancing or entertainment, they must first obtain a special amusement permit from the municipality.

Until June 30, 1978, the State Liquor Commission may continue to issue such permits.

As of June 30, 1978, the effective date of the law, such activities will not be allowed unless the establishment first obtains a special amusement permit issued by the municipal officers. The municipality must adopt an ordinance or authorize the municipal officers to establish written rules and regulations governing the issuance of these permits by that date. (Special amusement permits issued by the State Liquor Commission prior to June 20, 1978, will be valid for one year from their date of issue).

The following is a model ordinance that was drafted to provide municipalities with a basis for preparing a local ordinance, and which contains those aspects required by the new law.

MODEL SPECIAL AMUSEMENT ORDINANCE

ARTICLE I

Title, Purpose & Definitions

Section 101. Title

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

Section 102. PURPOSE

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

Section 103. DEFINITIONS

103.1 Entertainment. For the purposes of this Ordinance, "entertainment" shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

103.2 Licensee. For the purposes of this Section, "licensee" shall include the holder of a license issued under the Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation, or other legal entity, or any agent, or employee of any such licensee.
ARTICLE II

General

Section 201. PERMIT REQUIRED

No licensee for the sale of liquor to be consumed on his licensed premises shall permit, on his licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the municipality in which the licensed premises are situated a special amusement permit signed by at least a majority of the municipal officers.

Applications for all special amusement permits shall be made in writing to the municipal officers and shall state the name of the applicant; his residence address; the name of the business to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances; and any additional information as may be needed by the municipal officers in the issuing of the permit, including but not limited to a copy of the applicant's current liquor license.

No permit shall be issued or maintained for any purposes authorized by this Ordinance if the premises and building to be used for said purposes do not fully comply with all ordinances, articles, bylaws, or rules and regulations of the municipality or laws of the State of Maine.

The fee for a special amusement permit shall be $10.00.

The municipal officers shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing within 15 days of the date the request was received, at which the testimony of the applicant and that of any interested members of the public shall be taken.

The municipal officers shall grant a permit unless they find that issuance of the permit will be detrimental to the public health, safety or welfare, or would violate municipal ordinances, or rules and regulations, articles, or bylaws of the Town of Machias or law of the State of Maine.

A permit shall be valid only for the license year of the applicant's existing liquor license and shall automatically expire with the expiration of said liquor license.
Section 202. INSPECTIONS

Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a special amusement permit are provided for or required by ordinance or State law, or are reasonably necessary to secure compliance with any ordinance provision or State law, it shall be the duty of the licensee, or owner of the premises to be inspected at any reasonable time that admissions is requested.

Section 203. SUSPENSION OR REVOCATION OF A PERMIT

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

Section 204. RULES AND REGULATIONS

The municipal officers are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension and revocation of special amusement permits.

Such rules and regulations shall be additional to and consistent with all sections of this Ordinance.

Section 205. PERMIT AND APPEAL PROCEDURES

205.1 Any licensee requesting a special amusement permit from the municipal officers shall be notified in writing of their decision no later than fifteen (15) days from the date his request was received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within 30 days after an application for a permit which has been denied.

205.2 Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended may, within 30 days of the denial, suspension or revocation, appeal the decision to municipal board of appeals as defined in 30 MRSA §2411. The municipal board of appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety, welfare, or that the denial, revocation or suspension was arbitrary or capricious, or that the denial, revocation, or suspension was not based on a preponderance of the evidence or a violation or any ordinance, article, bylaw or rule or regulation of the municipality or law of the State of Maine.

Section 206. ADMISSION

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

Penalty, Separability & Effective Date

Section 301. PENALTY

Whoever violated any of the provisions of this Ordinance shall be punished by fine of not more than fifty dollars ($50.00) for the first offense, and up to five hundred dollars ($500.00) for the subsequent offenses, to be recovered, on complaint, to the use of the Town of Machias.

Section 302. SEPARABILITY

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

Section 303. EFFECTIVE DATE

The effective date of this Ordinance shall be

Copied from Town Records
October, 1981

[Signature]
Town Clerk
ARTICLE I. IN GENERAL

Section 1. Selectmen’s authority to regulate sidewalks.
This Article is enacted by the Machias Board of Selectmen, in their capacity as the municipal officers of the Town, pursuant to Title 30-A MRSA section 3009(1), for the purpose of better regulating use of the Town’s public sidewalks and thereby protecting the health, safety and welfare of the Town of Machias residents.

Section 2. Enforcement.
This Ordinance shall be enforced by the Machias Police Department, Road Commissioner, Town Manager or other official duly appointed and authorized by the Board of Selectmen.

Section 3. Duty to remove snow, ice; duty to cover ice with sand, etc; penalty.
This section is not in effect, and is reserved for future use.

State law reference - Authority to provide for the removal of snow and ice from sidewalks, 30-A M.R.S.A. §3009.

Section 4. Extending awnings, signs over sidewalks; penalty.
The owner of any building adjoining the street may extend an awning or sign therefrom over the sidewalk to the outer edge thereof and not further; provided, that no part of the awning, sign or fixture shall be lower than seven (7) feet above the sidewalk, and any person who shall extend any awning or sign over any sidewalk in any other manner, shall be subject to a civil forfeiture not to exceed fifty dollars ($50.00) for each violation. Each day of the violation shall constitute a separate offense.

Exception: Projecting signs or awnings are allowed over public sidewalks or right of ways in Machias provided that the following provisions are met:
1. Each building may have one projecting sign oriented to each street on which the premises has frontage, identifying the building as a whole or its, predominate use.
2. Projecting signs or awnings must clear sidewalks by at least seven (7) feet, and shall project no more than four (4) feet from the building or to a point within two (2) feet of the curb line, whichever is less.
3. Projecting signs shall have a maximum area of seventeen and one half (17.5) square feet. Only one (1) side of a projecting double-faced sign shall be included in calculating surface area, providing that the two (2) display faces are joined at an angle no greater than sixty (60) degrees.
4. The owner/occupant shall have written permission from the Town Manager to install signs or awnings over the sidewalk. This includes signs or awnings that meet the allowable provisions.

Any person aggrieved by the decision of the Town Manager may appeal to the Machias Board of Selectmen. Appeals must be filed within fourteen (14) days of the Town Manager’s decision.

Section 5. Maintaining tables, tents, booths, racks, shelving unit, carriages, or signs in streets or sidewalks for sale or exhibition; penalty.
No person shall place or maintain any table, tent, booth, stall, rack or any carriage or cart in any public street or way within the limits of the Town of Machias for any sale or exhibition without first obtaining the written permission of the Town Manager or his/her designee. This includes signs or awnings that meet the allowable provisions.

Items permitted with permission of the Town Manager include:
1. Tables, racks, shelving units or carriages that occupy a footprint of 25 square feet, or less, with a maximum width of 30 inches. Tables, racks, shelving units or carriages must be removed at the end of each business day.
2. Signs or signboards that occupy a footprint of 8 square feet or less. Signs or signboards must be removed from the sidewalk at the end of each business day.
3. Tents or booths are permitted off the sidewalks, but within the right-of-way. The location of the tent or booth must be specifically approved by the Town Manager. Tents or booths must be removed from the right-of-way at the end of each business day.

4. If the size of the table, rack, shelving unit, carriage or sign restricts the width of the sidewalk by more than half its width or restricts the width of the sidewalk to less than 36 inches, the item is not permitted.

Violators of this section shall be subject to a civil forfeiture not to exceed fifty dollars ($50.00) for each violation. Each day of the violation shall constitute a separate offense. Any person aggrieved by the decision of the Town Manager may appeal to the Machias Board of Selectmen. Appeals must be filed within fourteen (14) days of the Town Manager's decision.

Section 6 Transfer of merchandise over sidewalks.
On streets not otherwise restricted, merchandise may be transferred from or to trucks or other vehicles over the sidewalk by the use of skids or planks, only when reasonably necessary and provided the sidewalk is not unreasonably obstructed, and then only for such period of time as is necessary, and if the sidewalk and travel thereon is obstructed by skids or planks for an unreasonable time, any police officer in the course of his/her duty may order such skids or planks removed, and if not removed he may remove or cause to be removed, at the expense of the offender.

Violators of this section shall be subject to a civil forfeiture not to exceed one hundred dollars ($50.00) for each violation. Each day of the violation shall constitute a separate offense. Appeals must be filed within fourteen (14) days of the Town Manager's decision.

Section 7 Accessibility to Commercial and Rental Properties
Any private use of a Town of Machias right of way, road, sidewalk or any other town way by a commercial or rental property owner to meet handicap accessibility requirements under Maine or federal law or the town’s ordinances must be approved in advance by the Machias Board of Selectmen. In approving such use, if approved, the Board of Selectmen shall include such conditions as they deem reasonably necessary protect the town’s and the general public’s right to use and maintain the right of way, road, sidewalk or other town way for normal vehicle and pedestrian travel. All structures or changes within a town right of way, road, sidewalk or other town way for this purpose must be approved by the Board of Selectmen in advance of any construction. If so approved, permission shall be in the form of a revocable license, and not by deed or deeded easement. All structures or changes within a town right of way, road sidewalk or other town way for this purpose must comply with all applicable provisions of the Town’s land use ordinance, building codes, street openings ordinance and other applicable ordinances, with all applicable permit fees to be paid in full, in advance.

Section 8. Riding bicycles, skateboards or rollerblades, ATV’s, and Snowmobiles
No person shall ride a bicycle, skateboard, rollerblades, ATV, or snowmobile on the following sidewalks Monday through Saturday between the hours of 6:00 a.m. and 6:00 p.m. Main Street from Water Street to Short Street, Colonial Way, and Center Street from Court Street to Main Street.

Penalty
(A) For a first offense, the police officer shall issue a written warning to that person in violation of this section.
(B) For a second or subsequent offense, any person in violation of this section commits a civil violation for which a forfeiture not to exceed twenty-five dollars ($25.00) may be adjudged, or if the person consents, the police officer may seize and hold the bicycle, skateboard or rollerblades for a time not to exceed seven (7) days.
By: Machias Board of Selectmen

Adopted this date: 3/13 2013

Attested by the Town Clerk on this date 3/22 2013
TAXI BY-LAW

An ordinance of the Town of Machias, enacted at a Special Town Meeting on June 28, 1956.

Article 6. TAXI BY-LAW

Section I. Every motor vehicle used, or to be used, for the conveyance of persons from place to place within the Town of Machias shall be deemed a taxi cab within the meaning of this By-Law: EXCEPT, a motor vehicle subject to regulation by the Public Utilities Commission and motor vehicles collecting fares by ticket or coupons sold for interstate transportation.

Section II. No person, firm, or corporation shall operate or cause to operate a taxi-cab in the Town of Machias unless licensed as herein provided. Application for such certificate shall be made on forms provided by the Town and shall set forth name and address of the applicant, the trade name under which the applicant does or proposes to do business; where proposed stands and garages are to be located; the number of vehicles the applicant desires to operate, with a clear description of each vehicle, and such other facts as the municipal officers may require.

Section III. Upon presentation of such application, the municipal officers may issue to the applicant a license for each car set out in such certificate. The license fee shall be twenty-five dollars yearly for each taxi-cab.

Section IV. All such licensed taxis to park in areas designated by Town Manager.

Section V. Licenses issued hereunder may be revoked at any time for causes seeming to the municipal officers proper grounds for the revocation of such licenses.

Section VI. Whoever violates any of the provisions of this By-Law shall be liable to a penalty not exceeding ten dollars ($10.00) for each offense, to be recovered for the use of the Town, by complaint before the municipal court for the Town of Machias.

Copied from Town Records
October, 1981

[Signature]
Town Clerk
TRAFFIC ORDINANCE

An ordinance of the Town of Machias voted upon affirmatively by the Machias Board of Selectmen (and legally posted) April 29, 1971, and amended by the Machias Board of Selectmen, after legal postings, on August 5, 1971, February 8, 1972, July 24, 1974 and August 12, 1974.

Article I. Words and phrases Defined.

1-1. Definition of Words and phrases.

A. The following words and phrases when used in this ordinance shall for the purpose of this ordinance have the meanings respectively ascribed to them in this article, except when the context otherwise requires.

B. Whenever any words and phrases used herein are not defined herein but are defined in the State laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases.

1-2. Alley. A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

1-7. Driver. Every person who drives or is in actual, physical control of a vehicle.

1-11. Official Time Standard. Whenever certain hours are named herein, they shall mean standard time or daylight-saving time as may be in current use in this municipality.

1-12. Park. Means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.


1-16. Police Officer. Any officer of the police department, any constable, or any person authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

1-21. Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

1-22. Stand. Means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

1-25. Street. Every way set apart for public travel except alley ways, bridal paths, and foot paths.

Article XIII Stopping, standing, or parking prohibited in specified places.

13-1. Parking not to obstruct traffic. No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic.
13-2. Parking in alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

13-10. Parking Zones. There are hereby created Parking Zones in the Town of Machias as follows:

Main Street: Commencing on the South side of Main Street at a point thirty-eight feet (38') Easterly of the intersection of the property lines of the Down East 5 & 10 and the Armstrong House and Main Street; thence Easterly to a point thirty-seven feet (37') Westerly of the sewer grate at the corner of the Crane building so-called.

On the south side of Main Street from a point forty-three feet (43') Easterly of the intersection of the property lines of Johnson's Jewelry Store and Berry's Esso Station and Main Street; thence Easterly to the intersection of the Eastern bounds of the Merrill Trust lot and Main Street.

On the North side of Main Street at the intersection of Main Street and the Westerly lot line of the Eddie Foss Store lot, so-called, to the Westerly lot line of the Farris Store lot, so-called.

Route One: On the Westerly side of Route One commencing at the sewer grate at the corner of Crane building, so-called, to a point thirty-eight feet and six inches (38'6") Southerly of said sewer grate.

Center Street: On the Westerly side of Center Street commencing at a point twenty feet (20') Southerly of the intersection of Center Street and Court Street to a point fifty-five feet (55') from the center line of Main Street.

13-10A. Loading Zones. There are hereby created loading zones in the Town of Machias as follows:

Main Street: Commencing at a point along the southerly side of Maine Street which point is marked by a metal "loading zone" sign affixed to a yellow pipe, said sign being further located a distance of two hundred ten feet (210'), more or less, in an easterly direction from the westerly corner of Johnson's Jewelry Store, and thence running a distance of forty feet (40'), more or less, also in an easterly direction along said southerly side of Main Street to a second metal "loading zone" sign. The aforesaid "loading zone" is to be further enclosed by yellow lines, and parking in said zone by other than vehicles making commercial deliveries or pick-ups in the immediate vicinity is prohibited between the hours of 8:00 A.M. to 12:00 Noon.
13-11. No Parking Zones. There are hereby established No Parking Zones as follows:

**Water Street:** On the Northerly side of Water Street at the intersection of the Northerly side of Water Street and the Easterly lot line of the Down East 5 & 10 Store lot, so-called, to the intersection of Route One.

**Route One:** On the Westerly side of Route One commencing at a point thirty-eight feet and six inches (38'6") Southerly of the Sewer grate at the corner of the Crane building, so-called, to the intersection of Water Street.

**Main Street:** On the South side of Main Street from the intersection of the property lines of the Down East 5 & 10 and the Armstrong House and Main Street easterly thirty-eight feet (38') to a Point.

On the South side of Main Street from a point thirty-seven feet (37') Westerly of the sewer grate at the corner of the Crane building, so-called, to said sewer grate. Said lot is reserved for police parking and taxi stand.

On the South side of Main Street commencing at the intersection of the property lines of Berry's Esso so-called, and Johnson's Jewelry Store, so-called, and Main Street, Easterly forty-three (43) feet to a point. Said lot is reserved for police parking and a taxi stand.

On the North side of Main Street commencing at the intersection of Main Street and Free Street easterly to the intersection of the Westerly lot line of the Farris Store lot, so-called, and Main Street.

On the North side of Main Street commencing at the intersection of the Westerly lot line of the Eddie Foss store lot, so-called, and Main Street Easterly to the intersection of the Easterly lot line of the A & P Store lot, so-called, and Main Street.

**Center Street:** On the Westerly side of Center Street commencing at the intersection of Center Street and Court Street, Southerly to a point twenty feet (20') Southerly of said intersection.

On the Westerly side of Center Street commencing at a point fifty-five feet (55') Northerly of the center line of Main Street; thence Southerly to the center line of Main Street.

On the Easterly side of Center Street commencing at the intersection of Center Street and Court Street to the intersection of Center Street and Main Street.
Court Street: On the Northerly side of Court Street commencing at the intersection of Court Street and Center Street Westerly to the intersection of the lot lines of Robert Foster and Leonard Sprague and Main Street.

13-11A Loading zones. There are hereby created a loading zone in the Town of Machias as follows:

Main Street: Commencing at a point on the Northerly side of Main Street from the intersection of the Northerly side of Main Street and the Westerly lot line of the Eddie Foss Store Lot, so-called, which point is marked by a metal "loading zone" sign affixed to a yellow pipe, and thence running a distance of seventy-five feet (75') more or less, in an Easterly direction along said Northerly side of Main Street to a second metal "loading zone" sign. The aforesaid "loading zone" is to be further enclosed by yellow lines, and parking in said zone by other than vehicles making commercial deliveries or pick-ups in the immediate vicinity is prohibited from 8:00 A.M. to 5:00 P.M.

13-12. No person shall park any vehicle within the bounds of the parking zone herein before established for a period of time longer than two hours.

13-13. No person shall park any vehicle within the bounds of the no parking zone herein before established.

13-14. No person shall park any vehicle or any portion thereof on or within the limits of a sidewalk.

13-15. No person shall park any vehicle or any portion thereof within the bounds of any street in the Town of Machias from November 15th to April 15th from 12:00 Midnight to 6:00 A.M.

ARTICLE XVII Penalties

17-1. Penalties. Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than $100 or imprisonment for not more than 90 days or by both such fine and imprisonment.

17-7. Citation on illegally parked vehicle. Whenever any motor vehicle without driver is found parked, standing or stopped in violation of any of the restrictions imposed by ordinance of this municipality or by State law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the Town Manager for the driver to answer to the charge against him within five days, at the Town Office from 9:00 A.M. to 4:00 P.M., Monday through Friday. Any person receiving a citation may waive all Court action by payment of a fine of $1.00 within the five day period at the Town Office.
17-8. Failure to comply with traffic citation attached to parked vehicle.
If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear at the Town Office as ordered in response to a traffic citation affixed to such motor vehicle within the period of five days stated on said citation, the Chief of Police shall be empowered to send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event the aforesaid letter is disregarded for a further period of five days, a warrant of arrest will be requested.

A. In any prosecution charging a violation of any law or regulation governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

B. The foregoing stated presumption shall apply only when the procedure prescribed in sections 17-7 and 17-8 has been followed.

17-10. When warrant may be issued. In the event any person fails to comply with a traffic citation given to such person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the District Court, or if any person fails or refuses to deposit bail as required and within the time permitted by ordinance, the Town Clerk shall secure and issue a warrant for his arrest.

17-11. Disposition of traffic fines and forfeitures. All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this ordinance shall be paid into the municipal treasurer and deposited in a special fund to be known as the highway improvement fund, which is hereby created and which shall be used exclusively in the construction, maintenance and repair of public streets, bridges and street structures, or for the installation and maintenance of traffic-control devices thereon, for rental of off street municipal parking facilities, and the enforcement of this ordinance.

17-12. Official misconduct. Failure, refusal or neglect on the part of any Judicial or other officer or employee receiving or having custody of any such fine or forfeiture, either before or after a deposit in said highway improvement fund to comply with the foregoing provisions of this section shall constitute misconduct in office and shall be ground for removal therefrom.

A. When authorized by the laws of this State, any police officer may remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department or otherwise maintained by this municipality.
B. Whenever a police officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

C. Whenever a police officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as herein before provided, and in the event the vehicle is not returned to the owner within a period of three days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the State Department whose duty is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.