2016

Town of Mexico Maine Ordinances

Mexico, Me.
SECTION 1. PURPOSE

THE PURPOSE OF THIS ORDINANCE IS TO ENHANCE THE EASY AND RAPID LOCATION OF PROPERTIES FOR THE DELIVERY OF PUBLIC SAFETY AND EMERGENCY SERVICES, POSTAL DELIVERY, AND BUSINESS DELIVERY.

SECTION 2. AUTHORITY

THIS ORDINANCE IS ADOPTED PURSUANT TO AND CONSISTENT WITH THE MUNICIPAL HOME RULE POWERS AS PROVIDED FOR IN ARTICLE VIII, PART 2, SECTION 1 OF THE CONSTITUTION OF THE STATE OF MAINE AND TITLE 30-A M.R.S.A. SECTION 3001.

SECTION 3. ADMINISTRATION

THIS ORDINANCE SHALL BE ADMINISTERED BY THE BOARD OF SELECTMAN WHO SHALL ASSIGN ROAD NAMES AND NUMBERS TO ALL PROPERTIES, BOTH ON EXISTING AND PROPOSED ROADS. THE BOARD OF SELECTMEN SHALL BE RESPONSIBLE FOR MAINTAINING THE FOLLOWING OFFICIAL RECORDS OF THIS ORDINANCE:

a. A MEXICO 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 IN MEXICO THAT SERVE TWO OR MORE ADDRESSES SHALL BE NAMED REGARDLESS OF WHETHER THE OWNERSHIP IS PUBLIC OR PRIVATE. A ROAD NAME ASSIGNED BY THE TOWN OF MEXICO SHALL NOT CONSTITUTE OR IMPLY ACCEPTANCE OF THE ROAD AS A PUBLIC WAY. THE FOLLOWING CRITERIA SHALL GOVERN THE NAMING SYSTEM:

a. SIMILAR NAMES - NOT TWO ROADS SHALL BE GIVEN THE SAME OR SIMILAR-SOUNDING (E.G. BEECH AND PEACH, PINE ROAD AND PINE LANE) NAMES.

b. EACH ROAD SHALL HAVE THE SAME NAME THROUGHOUT ITS ENTIRE LENGTH.
SECTION 5. NUMBERING SYSTEM

NUMBERS SHALL BE ASSIGNED EVERY 50 (FIFTY) 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 MEXICO 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 DRIVEWAY OF SAID STRUCTURE.

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 TOW 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, ON OR BEFORE THE EFFECTIVE DATE OF THIS ORDINANCE, DISPLAY AND MAINTAIN IN A CONSPICUOUS PLACE ON SAID STRUCTURE, THE ASSIGNED NUMBERS IN THE FOLLOWING MANNER:


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, 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 COLOR AND SIZE APPROVED FOR USE BY THE BOARD OF SELECTMEN AND SHALL BE LOCATED AS TO BE VISIBLE FROM THE ROAD.

d. EVERY PERSON WHOSE DUTY IS TO DISPLAY THE ASSIGNED NUMBER SHALL REMOVE ANY DIFFERENT NUMBER WHICH MIGHT BE MISTAKEN FOR, OR CONFUSED WITH, THE NUMBER ASSIGNED IN CONFORMANCE WITH THIS ORDINANCE.
e. INTERIOR LOCATION. All 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 developments and subdivisions shall be named and numbered in accordance with the provisions of this ordinance and as follows:

a. NEW DEVELOPMENTS. 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 Board of Selectmen. 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 on the pre-application submission to the Planning Board. Approval by the Planning Board shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every 50 (fifty) feet so as to aid in assignment of numbers to structures subsequently constructed.

SECTION 8. EFFECTIVE DATE

This ordinance shall become effective as of November 8, 1995. It shall be the duty of the owner and the post office of the new address within thirty days. If shall be the duty of each property owner to comply with this ordinance within 30 (thirty) days of notification. On new structures, numbering will be installed prior to final inspection, if required by local ordinance, or when the structure is first used or occupied, whichever comes first.

ARTHUR BORDEAU, CHAIRMAN

HERBERT CAMPBELL

ROBERT LYONS

BRIAN ELLIOTT

SELECTMEN, TOWN OF MEXICO

LOUISE WATERHOUSE

DATE ADOPTED
TOWN OF MEXICO
ANIMAL CONTROL ORDINANCE

It is the intention of the Town of Mexico to regulate animals so that dangerous dogs, the grouping of dogs in packs, the unrestricted travel of dogs in heat, property damage, nuisance and noise shall be eliminated or kept a minimum for the health, safety, comfort, convenience and general welfare of the residents of the Town of Mexico without unreasonably restricting owners and dogs in their normal activities and while taking such actions as are consistent with all laws and mandates of the State of Maine.

The Town of Mexico accepts responsibility for the control only of domesticated dogs and ferrets, as required by State mandate, and for cats and kittens which have been abandoned, create a nuisance or hazard of significant impact, or are sick or injured and in need of immediate intervention by authorities to ensure their humane treatment or to protect the health and safety of the citizens of Mexico.

SECTION 1 - DEFINITIONS

As used in this ordinance, unless the context otherwise indicates, shall mean:

A. "Animal" - means every living, sentient creature not a human being.

B. "Abandoned Animal" - means a dog or cat that has been deserted or given up by its owner, including litters left in a public place or animals left with some means indicating abandonment; it does not include a dog wearing a collar and tags or a dog at large as defined in this section.

C. "Animal Control" - means control of dogs, cats, domesticated or undomesticated animals, which may be a problem in the community and which are not controlled by any other law.

D. "Animal Control Officer" - means the person appointed periodically by the municipal officers pursuant to Title 7 M.R.S.A. Part 9 et seq.

E. "Animal Shelter" - means a facility that includes a physical structure or part of a physical structure that provides temporary or permanent shelter to stray, abandoned, abused, or owner-surrendered animals.

F. "At Large" - shall mean off the premises of the "owner" as defined in K. below, and not under the control of any person either by leash, cord, chain, or voice command such as will reasonably control the conduct of the animal.

G. "Cat" - shall mean both male and female cats.

H. "Constable" - means a law enforcement officer appointed by municipal officers pursuant to law.

I. "Dangerous Animal" - means an animal which has bitten a person who was not a trespasser on the owner's premises at the time of the incident; or an animal which causes a reasonable person, acting in a peaceable manner outside the owner's premises, to be put in apprehension of eminent bodily harm.
J. “Dog” - shall mean both male and female dogs.

K. “Owner” - shall mean any person or persons, firm, association or corporation, or other entity owning, keeping, harboring or in possession of, or having control of a dog.

L. “Kennel” - shall mean three (3) dogs or more kept under one ownership in a single premises for housing, breeding, buying, selling, hunting, showing, training, field trials, exhibition purposes, racing, or other similar purposes.

M. “Nuisance” - means the causing of unreasonable noise, litter, filth, or property damage; the chasing of automobiles, motorcycles, bicycles or other vehicles; and the entry on school grounds while school is in session.

N. “Torment, torture and cruelty” - means every act, omission or neglect, whether by the owner or any other person, where justifiable physical pain, suffering, or death is caused or permitted.

O. “Well cared for” - means that the animal is receiving necessary sustenance, necessary medical attention, proper shelter, protection from the weather and humanely clean conditions and that the animal has not been or is being injured, overworked, tormented, tortured, abandoned, poisoned, beaten, mutilated, or exposed to a poison with the intent that it be taken by the animal.

SECTION 2 - RUNNING AT LARGE

A. It shall be unlawful for the owner of any dog, if licensed or unlicensed, to permit such dog to run at large. It shall be prima facie evidence that the causing or permitting of a dog to run at large within town limits was done by the owner of such dog. Dogs, while on any public way or place, shall be under the restraint of a minimum of a Six (6)-Foot leash. All dogs should be with no one under 16 years of age unless accompanied by an adult 21 years old or older. Dog owners are held responsible for all their dogs waste.

B. All farm animals must be contained on their property.

C. Nothing in this ordinance shall be held to require the leashing of any dog while on private premises.

D. All dogs tied outside will have a chain/leash of no less than 12 feet long.

E. This section shall not interfere with Sections 3551 to 3555 inclusive of Title 7 M.R.S.A.; Chapter 707 relative to the training of dogs and the conducting of field trials.

SECTION 3 - DOG IN HEAT

It shall be unlawful for the owner of a female dog to cause or permit such dog to be beyond the owner’s premises at any time she is in heat, unless such dog is restrained by a leash, cord, or chain which shall not be more than eight (8) feet long.
SECTION 4 - NUISANCE ANIMALS

A. No owner or person having custody of any animal within the legal limits of the Town shall keep, maintain or permit an animal which creates a nuisance by continued or repeated barking, howling, making of other loud or unusual noises, or in any other manner disturbing the peace and quiet of any person. A person who keeps, maintains or permits an animal whose barking or howling can be heard at or beyond the boundary of the property on which the animal is located violates this section.

B. No person shall keep or maintain an animal which creates a nuisance by habitually barking, chasing, biting, jumping, or in any other manner causing fear or harm to any other person. For purposes of this ordinance, “habitually” means more than two (2) such incidents.

C. No person shall keep, maintain, or permit an animal which causes a nuisance by littering, damage of property or by habitual defecation or urination on the property of another.

SECTION 5 - IMPOUNDMENT

A. Dogs found running at large, abandoned cats and ferrets shall be taken up and impounded in a kennel designated by the Town and there confined in a humane manner for a period of time of not less than three days; and may thereafter be disposed of in a humane manner if not claimed by their owners.

B. The Town or its duly authorized agent may transfer title of all animals held by it after the legal detention period has expired and the animal has not been claimed by its owner.

C. No animal will be released to its owner or released for adoption to another until the fees for its impoundment and licensing have been paid to the Town of Mexico in full.

D. When dogs are found running at large and their ownership is known, such dogs need not be impounded, but the Town, through its duly authorized agents, shall cite the owners of such dogs to appear in court to answer charges of violation of this ordinance and unlicensed dogs must be licensed within two (2) working days. Said owners shall be responsible to pay the fees listed in Section 7 below.

E. The owner shall be entitled to resume possession of any impounded upon the payment of impoundment and license fees as set forth herein.

F. Any dog impounded under the provisions of this ordinance and not reclaimed by its owner within three days may be humanely destroyed or placed in the custody of some person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this ordinance and ensure the animal is well cared for.

G. The Animal Control Officer or other constable of the Town of Mexico shall apprehend any dog found running at large and impound it in a shelter or other suitable place. At that time, s/he shall register the breed, color, sex, license number, and name and address or telephone number of the owner in a book kept for that purpose.
H. Any animal found to be victim of torture, torment, or cruelty shall be impounded by the Animal Control Officer or other constable of the Town of Mexico as provided above.

SECTION 6 - REGISTRATION AND IDENTIFICATION

A dog which is at least six (6) months old must be licensed by its owner in accordance with State law. A dog which is at least two (2) months old must wear a collar or harness to which is attached an identification tag with the owner’s name and address or telephone number.

SECTION 7 - NOTICE AND RECLAMATION

A. The Animal Control Officer shall immediately notify the owner by telephone, if possible, or by regular mail that the dog has been impounded, and that s/he may reclaim it by licensing the dog if it is unlicensed, and by paying to the Town the following fees:

1. Fines for Dogs at Large:
   - First Offense - $50.00
   - Second Offense - $100.00
   - Third or Subsequent Offenses - $250.00

2. Cost for keeping a dog - $10.00 per day

3. Cost of notice by mail or by posting - $25.00

   If the owner of the dog is unknown or cannot be found, the Animal Control Office shall immediately post the notice on the bulletin board in the entrance of the town offices.

B. Any abandoned cats or ferrets may be reclaimed by paying like impoundment fees, although licensing will not be required.

SECTION 8 - DISPOSITION OF ANIMAL WHICH HAS BITTEN PERSONS

A. The owner of an animal who knows or has been advised that the dog has bitten a person shall confine the dog or have it confined by itself in a secure enclosure for at least fourteen (14) consecutive days and shall notify the Health Officer immediately of the time, place, and reason for the confinement. During the period of confinement, the owner shall not destroy the animal nor allow it to be destroyed on recommendation from anyone other than a licensed veterinarian or the Animal Control Officer.

B. The Health Officer shall have an animal which has been confined because of having bitten a person kept under observation for symptoms of rabies. At the end of the 14th day period of confinement, the Health Officer shall determine whether the dog is infected with rabies. In making
this determination, s/he shall employ such expert assistance as may be necessary. It s/he deems it necessary to keep the animal confined for longer than the fourteen-day period, s/he shall order it done. If the animal is found to be rabid, s/he shall notify the owner and the person bitten, and shall have the animal destroyed immediately, following any procedure recommended by the State Department of Health and Welfare. If the dog is not rabid, the owner shall thereafter muzzle the animal or keep it confined. All expenses incurred by the Town in carrying out the procedure provided by this section shall be paid for by the owner of the animal.

SECTION 9 - PENALTIES

A. A person who violates this article by permitting a dog to run at large without identification as required herein shall be punished by a fine as specified in Section 7 above.

B. The owner of any female dog in heat found running at large hereof shall be punished by a fine of not more than One-Hundred Dollars ($100.00).

C. The owner of a dog or dogs travelling in a pack shall be punished by a fine of not more than One-Hundred Fifty Dollars ($150.00).

D. The owner of the dog found running at large who knows or has been advised that the dog has caused a nuisance and has failed to keep the dog on his premises or under his/her control, shall be punished on the first offense by a fine of Fifty Dollars ($50.00), for the second offense One-Hundred Dollars ($100.00), third offense and every offense thereafter will be Two-Hundred Fifty Dollars ($250.00).

E. The owner of any animal which disturbs the peace of any person by frequently and habitually barking, howling, littering, destroying property or other similar activity shall be punished on the first offense by a fine of Fifty Dollars ($50.00). The second offense shall be One-Hundred Dollars ($100.00). The third offense and every offense thereafter will be Two-Hundred Fifty Dollars ($250.00).

F. The owner of the dangerous animal which is unconfined shall be punished by a fine of Two-Hundred Fifty Dollars ($250.00) and the court shall order the Animal Control Officer to destroy the animal immediately.

G. A person who fails or refuses to reclaim his/her animal and pay the cost required herein within a week after receiving oral or written notice of its impoundment, shall be punished by a fine of One-Hundred Fifty Dollars ($150.00).

H. A person who violates any other provisions of this ordinance shall be punished by a fine of Two-Hundred Fifty Dollars ($250.00).

I. Any person who permits or inflicts torture, torment, or cruelty upon any animal within the town of Mexico shall be punished by a fine of Five-Hundred Dollars ($500.00).

J. Failure to obtain proper inspection and licensing before the construction and operation of a commercial kennel shall be fined Three-Hundred Dollars ($300.00).
SECTION 10 - ENFORCEMENT

Except for the provisions required to be enforced by the Health Officer, the Animal Control Officer, constable, or a member of the Police Department delegated by the Town Manager, shall enforce this ordinance.

SECTION 11 - SEVERABILITY

It is the intention of the Town of Mexico that each separate section of this ordinance shall be deemed independent of all other sections herein, and it is further the intention of the town that if any provisions of this ordinance be declared invalid by the courts, all other sections herein shall remain valid and enforceable.

SECTION 12 - REPEAL OF CONFLICTING ORDINANCES

This ordinance shall supersede and repeal any and all existing ordinances in the Town of Mexico relative to animal and dog control.

SECTION 13 - EFFECTIVE DATE

This ordinance shall be in full force and effect upon adoption by a majority of the voters present at any Regular or Special Town Meeting or Referendum Election.

**Adopted September 8, 1993

**Amendments adopted June 9, 2015

Attested: Penny S. Duguay, Town Clerk
TOWN OF MEXICO
AUTOMOBILE GRAVEYARDS AND NUISANCE ORDINANCE

PURPOSE: TO ENHANCE THE AESTHETIC VALUE OF THE TOWN OF MEXICO.

1. AUTOMOBILE GRAVEYARD. "AUTOMOBILE GRAVEYARD" MEANS A YARD, FIELD OR OTHER AREA USED TO STORE TWO OR MORE UNSERVICEABLE, DISCARDED, WORN-OUT OR JUNKED MOTOR VEHICLES AS DEFINED IN TITLE 29, SECTION 7, OR PARTS OF SUCH VEHICLES.
A. "AUTOMOBILE GRAVEYARD" DOES NOT INCLUDE ANY AREA USED FOR TEMPORARY STORAGE BY AN ESTABLISHMENT OR PLACE OF BUSINESS WHICH IS PRIMARILY ENGAGED IN DOING AUTO BODY REPAIR WORK TO MAKE REPAIRS TO RENDER A MOTOR VEHICLE SERVICEABLE.

2. HIGHWAY. "HIGHWAY" MEANS ANY PUBLIC WAY.

3. INTERSTATE SYSTEM. "INTERSTATE SYSTEM" MEANS THOSE PORTIONS OF THE MAINE TURNPIKE AND THE STATE HIGHWAY SYSTEM INCORPORATED IN THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS, AS OFFICIALLY DESIGNATED BY THE DEPARTMENT OF TRANSPORTATION.

4. JUNKYARD. "JUNKYARD" MEANS A YARD, FIELD OR OTHER AREA USED TO STORE:
A. DISCARDED, WORN-OUT OR JUNKED PLUMBING, HEATING SUPPLIES, HOUSEHOLD APPLIANCES AND FURNITURE;
B. DISCARDED, SCRAP AND JUNKED LUMBER;
C. OLD OR SCRAP COPPER, BRASS, ROPE, RAGS, BATTERIES, PAPER TRASH, RUBBER DEBRIS, WASTE AND ALL SCRAP IRON, STEEL AND OTHER SCRAP FERROUS OR NONFERROUS MATERIAL;
D. GARBAGE DUMPS, WASTE DUMPS AND SANITARY FILLS.

5. DEFINITION, ANY VIOLATION OF THIS ORDINANCE SHALL BE DEEMED A NUISANCE.

6. ANY CAR PARTS, JUNK VEHICLES, OR ANY ITEMS LISTED IN #4 (A, B, C, & D) SHALL BE COMPLETELY OBSCURED YEAR ROUND FROM PUBLIC VIEW. TWO OR MORE JUNK VEHICLES CONSTITUTE THE NEED FOR A AUTOMOBILE GRAVEYARD PERMIT.
A. CONFORMITY WILL BE ADDRESSED UPON APPROVAL OF THE ORDINANCE.
B. ALL PREMISES, LAND, OR PARTS THEREOF WITH PERMITS, BUT FOUND TO BE IN NON-COMPLIANCE WILL HAVE UNTIL DECEMBER 31, 1995 TO BE IN COMPLIANCE WITH THIS ORDINANCE.
C. ALL PREMISES, LAND, OR PARTS THEREOF WITHOUT PERMITS AND FOUND TO BE IN NON-COMPLIANCE WILL BE CHALLENGED TO CORRECT THE VIOLATION(S) UPON APPROVAL OF THIS ORDINANCE.
NOTE: THOSE THAT FALL UNDER "C" SHALL HAVE 30 DAYS TO COMPLY.
D. 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 AND RECOMMENDATION OF THE PLANNING BOARD 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 Code 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 Code and recovering fines without court actions.

7. Liability for Violations: Any person, including, but not limited to, a landowner, the landowner's agent or a contractor, who violates any of the laws or ordinances set forth in this ordinance is liable for the penalties set forth as follows:
   A. The minimum penalty for starting construction or undertaking a land use activity without a required permit is $100, and the maximum penalty is $2,500.
   B. The minimum penalty for a specific violation is $100, and the maximum penalty is $2,500.
   C. The violator may be ordered to correct or abate the violations unless the abatement or correction results in:
      (1) A threat or hazard to public health or safety;
      (2) Substantial environmental damage; or
      (3) A substantial injustice.
   D. If the municipality is the prevailing party, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust. If the defendant is the prevailing party, the defendant may be awarded reasonable attorney fees, expert witness fees and costs as provided by court rule.
   E. In setting a penalty, the court shall consider, but is not limited to, the following:
      (1) Prior violations by the same party;
      (2) The degree of environmental damage that cannot be abated or corrected;
      (3) The extent to which the violation continued following a municipal order to stop; and
      (4) The extent to which the municipality contributed to the violation by providing the violator with incorrect information or by failing to take timely action.
   F. The maximum penalty may exceed $2,500, but may not exceed $25,000, when it is shown that there has been a previous conviction of the same party within the past two years for a violation of the same law or ordinance.
   G. The penalties for violations of waste discharge licenses issued by the municipalities pursuant to Title 38, M.R.S.A., or violations of a septic tank land disposal or storage site permit issued by the Department of Environmental Protection under Title 38, M.R.S.A.
   H. If the economic benefit resulting from the violation exceeds
AUTOMOBILE GRAVEYARD/NUISANCE ORDINANCE

THE APPLICABLE PENALTIES UNDER THIS SECTION, THE MAXIMUM CIVIL PENALTIES MAY BE INCREASED. THE MAXIMUM CIVIL PENALTY MAY NOT EXCEED AN AMOUNT EQUAL TO TWICE THE ECONOMIC BENEFIT RESULTING FROM THE VIOLATION. ECONOMIC BENEFIT INCLUDES, BUT IS NOT LIMITED TO, THE COSTS AVOIDED OR ENHANCED VALUE ACCRUED AT THE TIME OF THE VIOLATION AS A RESULT OF THE VIOLATOR'S NON COMPLIANCE WITH THE APPLICABLE LEGAL REQUIREMENTS.

NOTE: ENFORCEMENT WILL BEGIN ON THE DATE OF APPROVAL OF THE ORDINANCE.

DATE: 6-27-94

JOSEPH DERGUCH, CHAIRMAN

ARTHUR BORDEAU

MARCEL DUPUIS

ROBERT LYONS

LOUISE WATERHOUSE

SELECTMEN, TOWN OF MEXICO

DANIEL CASEY, PLANNING BOARD CHAIRMAN
BOARD OF APPEALS ORDINANCE
TOWN OF MEXICO
SPECIAL TOWN MEETING, DECEMBER 21, 1990
EFFECTIVE DATE: MARCH 25, 1991
BOARD OF APPEALS ORDINANCE
TOWN OF MEXICO

I. AUTHORITY: ESTABLISHMENT
Pursuant to 30-A. M.R.S.A. § 2691 and 3001, a Board of Appeals is hereby established for the Town of Mexico, Maine.

II. GENERAL PROVISIONS:
A. Business of the Board shall be conducted in accord with Maine Statutes, Town Ordinances and Roberts' Rule of Order.

B. It shall be the responsibility of the Board to become familiar with all the duly enacted ordinances of the town which it may be expected to act upon as well as with the applicable state statutes.

C. It shall be the responsibility of the Board to become familiar with the community goals, desires and policies as expressed in a "comprehensive plan", if any, and grant the minimum relief which will insure that the goals and policies of the plan are preserved and substantial justice is done.

III. APPOINTMENTS:
A. The Board shall consist of Five (5) regular members appointed by the municipal officers of the Town of Mexico for terms of Three (3) years. The initial appointments shall be as follows: One member shall be appointed for one year, two members shall be appointed to serve for two years, and two members shall be appointed to serve for three years. All terms shall expire as of the date of the annual town meeting in the year the term is scheduled to expire.

B. Thereafter, all appointments to the Board shall be for terms of three (3) years.

C. If state law permits, the municipal officers may appoint up to Two (2) associate members to the Board who shall also serve for terms of three (3) years. The Chairperson of the Board shall designate which shall serve in place of the absent member.

D. Neither a municipal officer nor his or her spouse may be a member or an associate member of the Board.
E. Any member of the Board may be removed from the Board, for cause, by the municipal officers before expiration of his/her term, but only after notice and an opportunity for a hearing at which the member in question has an opportunity to refute specific charges against him/her. The term, "for cause" shall include failure to attend Four (4) consecutive Board meetings or hearings without sufficient justification, or voting when the member has a "conflict of interest."

F. When there is a permanent vacancy of either a full or associate member, the Secretary shall immediately notify the Town Clerk. The municipal officers shall within 60 days appoint a person to serve for the unexpired term.

IV. OFFICERS AND DUTIES:

A. The officers of the Board shall consist of a Chairperson, Acting Chairperson and Secretary, who shall be elected annually by a majority of the Board.

B. CHAIRPERSON. The chairperson shall perform all duties required by law and these by-laws and preside at all meetings of the Board. The Chairperson shall rule on issues of evidence, order, and procedure, and shall take such other actions as are necessary for the efficient and orderly conduct of hearings, unless directed otherwise by a majority of the Board. The Chairperson shall appoint any committees found necessary to carry out the business of the Board.

C. ACTING CHAIRPERSON. The Acting Chairperson shall serve in the absence of the Chairperson and shall have all the powers of the Chairperson during the Chairperson's absence, disability or disqualification.

D. SECRETARY.
The Secretary, subject to the direction of the Board and the Chairperson, shall keep minutes of all Board proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact. The Secretary shall also arrange proper and legal notice of hearings, attend to correspondence of the Board, and to other duties as are normally carried out by a secretary. The Secretary shall keep a record of all resolutions,
transactions, correspondence, findings and determinations of the Board, and shall prepare a complete record of each hearing, including: date(s), time(s), place(s) of the hearing(s); subject of the hearing; identification of each participant; any agreements made between parties and the Board regarding procedures; the testimony presented; findings of fact and conclusions; the decision of the Board; and the date of issuance of the decision. All record are public and may be inspected at reasonable times.

V. CONFLICT OF INTEREST:

Any question of whether a particular issue involves a "conflict of interest" sufficient to disqualify a member from voting thereon, shall be decided by a majority vote of the members, except the member who potential conflict is under consideration.

The term "conflict of interest" shall be construed to mean direct or indirect pecuniary interest, which shall include pecuniary benefit to any member of the person's immediate family (grandfather, father, wife, son, grandson, e.g.) or to his employer or the employer of any member of the person's immediate family.

VI. POWERS AND LIMITATIONS

A. The Board shall have the following powers to be exercised only upon receipt of a written appeal by an aggrieved party:

1. The Board may interpret the provisions of any applicable town ordinance which are called into question.

2. The Board may approve the issuance of a special exception permit or conditional use permit in strict compliance with any applicable town ordinance.

3. The Board may grant a variance only where strict application of any applicable town ordinance, or a provision thereof, to the petitioner and his property would cause undue hardship. The words "undue hardship" as used in this subsection 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. The hardship is not a result of action taken by the applicant or prior owner.

4. The Board shall have the power to hear and determine all appeals by any person directly or indirectly affected by any decision, action or failure to act with respect to any license, permit, variance or other required approval, or any application therefor, including, the grant, conditional grant, denial, suspension, or revocation of any such license, permit, variance or other approval (hereinafter a "Decision"): 

a. rendered by the Code Enforcement Officer or the Planning Board pursuant to Shoreland Zoning Ordinance;

b. rendered by the Code Enforcement Officer or Building Inspector relating to building code enforcement pursuant to any statute or Town Ordinance.

c. rendered by the General Assistance Administrator pursuant to the Ordinance for General Assistance Administration or the Maine statutes relating to general assistance;

d. rendered by the Planning Board or the Selectmen pursuant to the Subdivision Regulations or the Maine subdivision statute;

e. rendered by the Selectmen or the Assessors pursuant to 36 M.R.S.A. § 841 & 843 and M.R.S.A. § 2060 (relating to the abatement of taxes);

f. rendered by the Selectmen pursuant to the Ordinance for the Regulation and Issuance of Special Amusement Permits or 28 A M.R.S.A. § 1054 (also relating thereto);

g. Rendered by the Planning Board or Code Enforcement Officer pursuant to the Site Plan Review Ordinance.
h. rendered by the Planning Board or the Code
Enforcement Officer pursuant to the Floodplain
Management Ordinance relating to Flood Hazard
Building Permit System and Review Procedures;

VII. MEETINGS:

A. The regular meeting of the Board shall be held twice a year
or as necessary.

B. The annual organization meeting of the Board shall be the first
regular meeting of the year.

C. Special meetings of the Board may be called by the chairperson.
At least forty-eight (48) hours written notice of the time,
place, and business of the meeting shall be given each member
of the Board, the Selectmen, the Planning Board, the Code
Enforcement Officer, and the Assessor.

D. The chairperson shall call a special meeting within ten (10)
days of receipt of a written request from any three members of
the Board which request shall specify the matters to be con­
sidered at such special meeting.

E. The order of business at regular meetings of the Board shall
be as follows: (A) roll call; (B) reading and approval of
the minutes of the preceeding meeting; (C) action on held
cases; (D) public hearing (when scheduled); (E) other
business; (F) adjournment.

F. All meetings of the Board shall be open to the public, except
executive sessions. No votes may be taken by the Board ex­
cept in public meeting. The Board shall not hold executive
sessions except for consultation between the Board and its
legal counsel concerning litigation or other legal matters
where premature general public knowledge would clearly place
the town or Board at a substantial disadvantage.
VII. VOTING:

A. A quorum shall consist of three (3) members of the Board.

B. No hearing or meeting of the Board shall be held, nor any action taken, in the absence of a quorum; however, those members present shall be entitled to request the chairperson to call a special meeting for a subsequent date.

C. All matters shall be decided by a roll call vote. Decisions on any matter before the Board shall require the affirmative vote of a majority of the full regular membership of the Board unless otherwise specified herein.

D. A tie vote or favorable vote by a lesser number than the required majority shall be considered a rejection of the application under consideration.

E. If a member has a conflict of interest, said member shall not be counted by the Board in establishing the quorum for such matter.

F. If the Board has associate members, the Chairperson shall appoint an associate member to act for a regular member who is: disqualified from voting, unable to attend the hearing, or absent from a substantial portion of the hearing due to late arrival. The associate member will act for the regular member until the case is decided.

G. If the Board has no associate members, no regular member shall vote on the determination of any matter requiring public hearing unless he or she has attended the public hearing thereon; however, where such a member has familiarized himself with such matter by reading the record, he or she shall be qualified to vote.

IX. APPEAL PROCEDURE:

A. Any person aggrieved by an action which comes under the jurisdiction of the Board pursuant to Section V must file such application for appeal, in writing on forms provided within (30) days (or 60 days for property tax abatement appeals) of the granting or denial of a permit or abatement. The applicant shall file this appeal at the office of the Town Clerk, setting forth the ground for his/her appeal. Upon receiving the application for appeal, the Town Clerk shall notify the Chairperson of the Board.
B. The fee to accompany applications for appeal shall be Twenty-Five ($25.00) dollars. Checks are to be made payable to Board of Appeals, Town of Mexico.

X. HEARINGS:

A. The Board shall schedule a public hearing on all appeals applications within (30) days of the filing of a completed appeal application, and give written notice of their decision within 60 days of the date the completed application is filed unless applicant agrees in writing to further delay.

B. The Board shall cause notice of the date, time and place of such hearing, the location of the building or lot, and the general nature of the question involved, to be given to the person making the application and to be published in a newspaper of general circulation in the municipality, at least one time, the date of the first publication to be at least seven days prior to the hearing. The Board shall also cause notice of the hearing to be given to the municipal officers, the Planning Board, the Code Enforcement Officer, Assessor, and the owners of property abutting that for which the appeal is taken at least 10 days prior to the date of the hearing.

C. The Board shall provide as a matter of policy for exclusion of irrelevant, immaterial, or unduly repetitious evidence.

D. The order of business at a public hearing shall be as follows:

1. The Chairperson calls the hearing to order.
2. The Chairperson determines whether there is a quorum.
3. The Chairperson gives a statement of the case and reads all correspondence and reports received.
4. The Board determines whether it has jurisdiction over the appeal.
5. The Board decides whether the applicant has the right to appear before the Board.
6. The Board determines which individuals attending the hearing are "interested parties." "Interested parties" are those persons who request to offer testimony and evidence
and to participate in oral cross-examination. They would include abutting property owners and those who might be adversely affected by the Board's decision. Parties may be required by the Board to consolidate or join their appearances in part or in whole if their interests or contentions are substantially similar and such consolidation would expedite the hearing. Municipal Officers, the Planning Board, the Code Enforcement Officer shall automatically be made parties to the proceeding.

Other persons attending the hearing and federal, state, municipal, and other governmental agencies shall be permitted to make oral or written statements and to submit oral and written questions through the Chair.

7. The appellant is given the opportunity to present his or her case without interruption.

8. The Board and interested parties may ask questions of the appellant through the Chair.

9. The interested parties are given the opportunity to present their case. The Board may call its own witnesses, such as the Code Enforcement Officer.

10. The appellant may ask questions of the interested parties and Board witnesses directly.

11. All parties are given the opportunity to refute or rebut statements made throughout the hearing.

12. The Board shall receive comments and questions from all observers and interested citizens who wish to express their views.

13. The hearing is closed after all parties have been heard. If additional time is needed, the hearing may be continued to a later date. All participants should be notified of the date, time and place of the continued hearing.
14. Written testimony may be accepted by the Board for seven days after the close of the hearing.

D. The Board may waive any of the above rules if good cause is shown.

XI. DECISIONS:

A. Decisions by the Board shall be made not later than thirty (30) days from the date of the final hearing.

B. The final decision on any matter before the Board shall be made by written order signed by the chairperson. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented and the appropriate order, relief or denial thereof.

C. The Board, in reaching said decision, shall be guided by standards specified in the applicable state laws, local ordinances, policies specified in the Comprehensive Plan (if any) and by Findings of Fact by the Board in each case.

D. In reviewing an application on any matter, the standards in any applicable local ordinance or statute shall take precedence over the standards of these rules whenever a conflict occurs. In all other instances, the more restrictive rule shall apply.

E. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this ordinance or unsupported by substantial evidence in the record.

F. Notice of any decision shall be sent by certified or registered mail or hand delivered to the applicant, his representative or agent, the Planning Board, the Code Enforcement Officer, and the municipal officers within seven (7) days of the decision.
G. Decisions of the Board shall be immediately filed in the office of the Town Clerk and shall be made public record. The date of filing of each decision shall be entered in the official records and minutes of the Board.

H. Unless otherwise specified, any order or decision of the Board for a permitted use shall expire if a building or occupancy permit for the use is not obtained by the applicant within ninety (90) days from the date of the decision; however, the Board may extend this time an additional ninety (90) days.

XII. CONSIDERATIONS:

A. The Board may reconsider any decision. The Board must decide to reconsider any decision, notify all interested parties and make any change in its original decision within 30 days of its prior decision. A meeting to decide whether to reconsider shall be called by the Chairperson in accordance with Article VII of these By-laws. The Board may conduct additional hearings and receive additional evidence and testimony.

B. Reconsideration should be for one of the following reasons:

1. The record contains significant factual errors due to fraud or mistake, regarding facts upon which the decision was based; or

2. The Board misinterpreted the ordinance, followed improper procedures, or acted beyond its jurisdiction.

XIII. APPEAL TO SUPERIOR COURT:

A. The decision of the Board of Appeals may be taken, within thirty (30) days after the decision is rendered, by any party to Superior Court in accordance with the Maine Rules of Civil Procedure.

XIV. SEVERABILITY:

The invalidity of any section or provision of these by-laws shall not be held to invalidate any other section or provision of these By-laws.
REPEAL OF PRIOR ORDINANCES: RATIFICATION OF PRIOR BOARD ACTIONS.

Any ordinance enacted or legislative act prior hereto and establishing or purporting to establish a board of appeals by that or another name, or governing or purporting to govern its membership, authority or procedure, is hereby repealed, it being the intent of this ordinance to abolish and replace any such board with a board of appeals lawfully established and authorized, among other things, to hear zoning appeals pursuant to 30-A M.R.S.A. § 4353 and to act as a board of assessment review pursuant to 30-A M.R.S.A. § 2526 (6). Any act prior hereto of that board commonly known as the board of appeals and abolished hereby is hereby ratified and confirmed.

XVI. EFFECTIVE DATE:

This ordinance shall take effect as of the date of the 1991 Annual Town Meeting.

Item VI, 4, e is deleted
Revised June 9, 2015

Attested: Penny S. Duguay
Penny S. Duguay, Town Clerk
TOWN OF MEXICO
BUILDING CODE ORDINANCE

Section 1. Purpose

The purposes of this code is to promote safety, health and public welfare through establishing minimum standards for the construction, alteration, relocation, placement and replacement of structures.

Section 2. Authority

This code is adopted pursuant to the enabling provisions of Article VIII-A of the Maine Constitution, the provisions of Title 30-A M.R.S.A. Section 3001 (Home Rule) and Title 30-A M.R.S.A., Section 3007.

Section 3. Applicability

A. The provisions of this code shall apply to new construction, additions, alterations, relocation, placement, replacement and demolition of structures. The provisions shall also apply to conversion of single-family structures to multi-family structures, the conversion of seasonal dwellings to year-round dwellings and the conversion of residential structures to commercial structures.

B. The provisions of this code shall not apply to structures constructed prior to the date of its enactment, except that relocation, replacement, alteration, additions and conversions identified in Section 3, A, shall comply with the provisions of this code.

C. The provisions of this code shall apply to structures which will have 150 square feet or less of ground floor area.

D. Nonconformance

1. Any lawful use of structures, premises, or parts thereof existing at the effective date of this code or amendments thereto, and not in conformance with the provisions of this code, shall be considered to be a nonconforming structure.

2. Any nonconforming structure may continue and be maintained, repaired, and improved. Repairs and improvements shall comply with the applicable provisions of Section 5.
Section 4. Administration

A. Code Enforcement Officer
This code shall be administered by a code enforcement officer who shall be appointed or reappointed annually by the municipal officers. The code enforcement officer shall inspect all buildings being constructed, placed, altered, replaced, relocated, or converted for the purpose of enforcing the provisions of this code.

B. Building Permits

A building permit shall be obtained prior to the construction, alterations, relocation, placement, replacement, conversion or demolition of any structure or part thereof. The owner or the owners’ authorized agent shall obtain from the Town of Mexico an application for a building permit covering such proposed work.

C. Application for Permits

The application for a building or demolition permit shall be in writing and shall be submitted on forms provided by the Town of Mexico, and shall contain a description of the proposed new structure, alteration, relocation, replacement, placement, or conversion.

D. Permit Approval or Denial

Approval, approval with conditions, or denial of the completed application shall be made by a code enforcement officer within seven (7) days of submissions of a completed application. A soil test, site evaluation, and plumbing permit are prerequisite to issuance of a building permit where plumbing or subsurface wastewater disposal is indicated. The approval or denial of application shall be signed by the code enforcement officer. Notice of denial and conditional approvals shall be in writing stating the reasons.

E. Term of Permit

All construction shall have substantial commencement within six months of date of issue of building permit and be completed within three years or a new permit must be obtained in the same manner as identified in Sections 4, C and D above. Demolitions must be completed within a six-month period from date of issue and include the removal of all debris.
F. Display of Permit

Permits shall be on display in a prominent place at the site of construction or demolition, be clearly visible and shall not be removed until all work covered by the permit is completed and approved.

G. Revisions

No changes or revisions to the approved application shall be made in the process of constructing, reconstructing, altering, replacing, placing, relocating or converting a structure without approval of the code enforcement officer if the provisions of this code shall apply.

H. Fees

1. An application for a permit required by this code shall be accompanied by an application fee of $10.00 payable to the Town of Mexico. No application shall be considered complete until such fee is received. The application fee is non-refundable.

2. Prior to the code enforcement officer issuing a permit required by this code, a permit fee payable to the Town of Mexico based upon the following fee schedule shall be paid. The selectmen shall have the authority to revise the fee schedule after conducting a public hearing on the proposed fee schedule.

   New construction, placement, relocation, replacement, addition and conversions:
   500 square feet or less..........$40.00
   501 to 999 square feet..........$50.00
   1000 to 1999 square feet.......$.10/sq. ft. of bottom floor area
   greater than 2000 sq. feet......$30.00 plus $.10/sq. ft. of bottom floor area
   NOTE: square footage is determined by the area of the bottom floor.

   Alterations: $10.00 plus $2.50 per $1,000 of total construction cost.

   Demolition: $35.00; Three family or larger buildings will be $35.00 per unit

   Revision: $10.00

   Renewal Permit: An amount equal to the original application fee and permit fee.

I. Inspections

The code enforcement officer shall inspect all buildings being constructed, altered, replaced or relocated for the purpose of enforcing the provisions of this code and all other local and state laws governing the construction, alteration or
replacement of buildings. It shall be the responsibility of the builder to notify the
code enforcement officer one working day prior to the time a building is ready
for inspection, and the code enforcement officer shall inspect it within one
(1) working day of notification.

Section 5. Standards

Inspections shall be conducted to ensure compliance with the following standards:

A. Lot Size

1. Lot size standards set forth in the Shoreland Zoning Ordinance, Mexico,
Maine shall govern those areas regulated by that ordinance.

2. Lot size standards set forth in the Land Development Ordinance for the
Town of Mexico, Maine shall govern those areas regulated by that
ordinance.

3. Back lots

Back lots may be developed for single-family use although they lack any
frontage on a public or privately owned street if the development is in
accordance with the following provisions:

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

       1. The right-of-way must be conveyed by deed or other legal
          instrument registered in the County Registry of Deeds to the
          owner of the back lot and be a minimum of 50 feet in width.

       2. A legal description of the right-of-way by metes and bounds
          shall be attached to any building permit application for
          construction on the back lot.

       3. The right-of-way or other legal instrument must be recorded
          at the Oxford County Registry of Deeds before a building
          permit is issued.

       4. Creation of 50 foot right-of-way to serve the back lot shall not
          create a nonconforming front lot by reducing such lots
          required road frontage below the minimum or if the front lot
          is already nonconforming, reduce its road frontage at all.
          Where the right-of-way is conveyed by easement or
          irrevocable license, or some grant less than a fee interest,
          the land over which such servitude is placed may not be
          counted toward meeting road frontage requirements for the
          front lot.

       5. The right-of-way may serve only one single-family dwelling.
6. No more than one right-of-way for back lot development may be created out of any single lot fronting on public or privately owned street unless each subsequent right-of-way is created out of at least 150 feet of frontage on a public or privately owned road frontage, and the center lines of the rights-of-way entrances are at least 200 feet apart.

7. Back lots legally recorded on or before October 1, 1994, served by a deeded right-of-way shall be exempt from the minimum right-of-way requirements.

8. Each single-family dwelling on a back lot shall be located within an area defined by a circle with a minimum diameter equal to the required road frontage.

B. Foundations

1. Except when erected on solid rock or equivalent, all principal structures shall be set on a concrete foundation wall or concrete posts to be carried five (5) feet below the finished grade and reinforced to prevent separation, or upon a reinforced concrete slab a minimum of four (4) inches thick. Reinforcing rods are to be no less than 3/8 inch in diameter and placed no more than two (2) feet apart lengthwise or more than two (2) feet apart crossways. The slab is to be on a base of 24 inches of well-drained coarse gravel. Foundations constructed of pressure-treated plywood walls or supporting posts may be used so long as the same are placed on a concrete footing to support the building and allow proper drainage, and as long as proper back filling is observed.

a. Foundation and Framing

Foundation inspection—commonly made after poles or piers are set or trenches or basement areas are excavated and forms erected and any required reinforcing steel in place, and prior to the placing of concrete.

b. Framing inspection—before plumbing, wiring, and chimney are closed in.

C. Wall Floor and Roof Construction

The floor, wall, and roof construction shall be capable of accommodating all loads imposed and transmitting the resulting loads to its supporting structural elements in accordance with accepted construction practices and recognized codes. Roof snow load shall equal or exceed forty-five (45) pounds per square foot.
D. All chimneys shall be constructed of masonry with ceramic or tile lining or an Underwriters Laboratories (UL) approved, prefabricated chimney. Smoke pipes (stove pipes) shall not pass through floor or ceiling, and shall not pass through a combustible wall or partition.

E. Electrical

All buildings that are to be wired shall have adequate and safe electrical service, and all new installations of electrical equipment shall be reasonably safe to persons and property. Conformance with National Electric Code standards shall be prima facie evidence of compliance. All electrical installation entrances shall be installed or approved by a licensed electrician, and shall be in accordance with 30-A M.R.S.A. Sections 4161-4162 and as may be amended.

F. Insulation

Insulation for new residential buildings or dwelling units contained in a multi-family structure shall comply with the standards contained in Title 10 M.R.S.A. Section 1415, and as may be amended.

G. Plumbing

All plumbing shall be inspected by the licensed plumbing inspector and receive his/her approval of conformance with the State of Maine Internal Plumbing Rules and Subsurface Disposal Rules and other applicable state laws.

H. Fire Safety

New construction, alterations, additions and conversions shall comply with the most recent addition of the Life Safety Code, National Fire Protection Association 101. This section shall be enforced by the code enforcement officer and the Town of Mexico fire chief.

I. Manufactured Home

Manufactured homes intended for year-round dwelling units sited in the Town of Mexico after the effective date of this code shall comply with the provisions of Title 30-A M.R.S.A. Section 4358 (2) (d) and (e).

Section 6. Appeals

A. Powers and Duties of the Board of Appeals

Appeals shall be to the Mexico Board of Appeals according to the procedures of the Town of Mexico Board of Appeals Ordinance to the extent that the following
provisions are inconsistent with that ordinance, the following provisions of this code shall control. The board of appeals shall have the following powers:

1. **Administrative Appeals**

   To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by the code enforcement officer, in the administration of this code.

2. **Variance Appeals**

   To authorize variances upon appeal within the limitations set forth in this code.

**B. Variance Appeals**

Variances may be permitted only under the following conditions:

1. Variances may be granted from the structural standards in Section 5.

2. The board shall not grant a variance unless it finds that:

   a. The proposed structure, addition, alteration, relocation, or replacement would meet the provisions of Section 5 except for the specific provision which relief is sought; and...

   b. That the appeal is based on the claim that the true intent of this code has been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent form of construction can be used.

3. The board of appeals shall limit any variances as strictly as possible in order to insure conformance with the purposes and provisions of this code 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.

**C. Appeal Procedure**

1. **Making an Appeal**

   a. 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 fire chief. Such an appeal shall be filed within a thirty (30) day requirement.
b. Such appeal shall be made by filing with the board of appeals a written notice of appeal that includes...

i. …a concise written statement indicating what relief is requested and why it should be granted;

ii. a sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought;

iii. a fee of $20.00 payable to the Town of Mexico to cover administrative costs. The applicant shall, in addition, pay the Town of Mexico for all costs of public hearing notices.

c. Upon being notified of an appeal, the code enforcement officer or fire chief, as appropriate, shall transmit to the board of appeals all of the papers constituting the record of the decision appealed from.

d. The board of appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

2. Decision of Board of Appeals

a. A majority of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.

b. The concurring vote of a majority of the members of the board of appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination by the code enforcement officer or fire chief to decide in favor of the applicant on any matter on which it is required to decide under this code, or to affect any variation in the application of this code from its stated terms.

The board may reverse the decision, or failure to act, of the code enforcement officer or fire chief only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this code.

c. The person filing the appeal shall bear the burden of proof.

d. The board shall decide all appeals within thirty (30) days after the close of the public hearing, and shall issue a written decision on all appeals.

e. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief, or denial thereof.
D. Appeal to Superior Court

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

E. Reconsideration

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

Section 7. Enforcement

A. Violations

Any structure built or placed, or work performed, or demolition site in violation of the provisions of this code shall be considered a nuisance.

B. Penalties

Any person who continues to violate this code after receiving notification of violation by the code enforcement officer shall have committed a civil violation and shall be subject to a penalty pursuant to Title 30-A M.R.S.A. Section 4452. Each day that such violation exists shall be deemed a separate offense without a written agreement or correction.

C. Notification

It shall be the duty of the code enforcement officer to enforce the provisions of this code. If the code enforcement officer shall find a violation has occurred, 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, building, structures or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. The code enforcement officer shall maintain a record of such notices.

D. 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, is 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 code 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 code and recovering fines without court action.

E. Liability for Violations

Any person, including, but not limited to, a landowner, the landowner's agent or a contractor, who violates any of these laws or ordinances set forth in this code is liable for the penalties set forth as follows:

1. The minimum penalty for starting construction or undertaking a land use activity without a required permit is $100, and the maximum penalty is $2,500.

2. The minimum penalty for a specific violation is $100, and the maximum penalty is $2,500.

3. The violator may be ordered to correct or abate the violations unless the abatement or correction results in:
   a. a threat or hazard to public health or safety;
   b. substantial environmental damage; or
   c. a substantial injustice.

4. If the municipality is the prevailing party, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust. If the defendant is the prevailing party, the defendant may be awarded reasonable attorney fees, expert witness fees and costs as provided by court rule.

5. In setting the penalty, the court shall consider, but is not limited to the following:
   a. Prior violations by the same party;
   b. The degree of environmental damage that cannot be abated or corrected;
   c. The extent to which the violation continued following a municipal order to stop; and
d. The extent the municipality contributed to the violation by providing the violator with incorrect information or by failing to take timely action.

e. The maximum penalty may exceed $2,500, but may not exceed $25,000 when it is shown that there has been a previous conviction of the same party within the past two years for a violation of the same law or code.

f. If the economic benefit resulting from the violation exceeds the applicable penalties under this section, the maximum civil penalties may be increased. The maximum civil penalty may not exceed an amount equal to twice the economic benefit resulting from the violation. Economic benefit includes, but is not limited to, the costs avoided or enhanced value accrued at the time of the violation as a result of the violator's noncompliance with the applicable legal requirements.

Section 8. Validity and Severability

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

Section 9. Amendments

This code may be amended by majority vote of the town at any town meeting, the warrant for which gives notice of the proposed change.

Section 10. Effective Date

The effective date of this code shall be October 1, 1994, after it is adopted by vote of the legislative body of the Town of Mexico.

This code shall in no way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit or provision of law. This code shall apply to all construction commenced after the effective date of the code.

The following ordinances are hereby repealed with the adoption of this code: Building Code of the Town of Mexico adopted November 4, 1961 and January 1, 1992.

Section 11. Definitions

Accessory Structure: A structure that is incidental and subordinate to the principal structure.

Addition: An increase in the floor area or volume of a structure.
Alteration: The change or rearrangement in the structural parts or in the means of egress.

Commercial Structure: A structure, other than a “home occupation,” 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.

Foundation: The supporting substructure of a building or other structure including, but not limited to basements, slabs, sills, posts or frost walls.

Height of a Structure: The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

Lot: An area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the planning board and recorded at the County Registry of Deeds.

Lot Area: The total horizontal area within the lot lines.

Manufactured Housing/Mobile Home Unit: Structures, transportable in one or two sections which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems contained therein and as otherwise defined in 30-A M.R.S.A. Section 4358 (1).

Minimum Lot Width: The closest distance between the sidelines of a lot.

Multi-Family Dwelling: A residential structure containing three (3) or more residential dwelling units.

Non-Conforming Lot: A single lot of record which, at the effective date of adoption or amendment of this code, does not meet the area frontage or width requirements of the district in which it is located.

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.

Seasonal Dwelling/Camps: A dwelling including camps, trailers, mobile homes and recreation vehicles which are not a principal or year-round residence and are occupied less than seven (7) months in any calendar year.

Structure: Anything built for the support, shelter, or enclosure of persons, animals, goods or property of any kind.
Substantial Commencement: Completion of thirty (30) percent of permitted structure measured as a percentage of estimated total cost.

Approved at the annual Town Meeting held on June 20, 1994
Revised on November 4, 1997
Amendment adopted on June 12, 2000

Attest: Penny S. Duguay, Town Clerk

Amendments adopted on June 9, 2015

Attest: Penny S. Duguay, Town Clerk
Mexico Changeable Sign Ordinance

1. SHORT TITLE: This Ordinance shall be known and may be cited as the "Mexico Changeable Sign Ordinance."

2. PURPOSE: The purpose of this ordinance is to regulate the frequency and manner of change of a display on each side of the changeable sign and to do so in a manner that promotes highway safety and to protect the public health, safety and welfare of the inhabitants of the Town of Mexico.

3. AUTHORITY: This ordinance is enacted pursuant to the Constitution of the State of Maine and the laws of the United States of America and the laws of the State of Maine, in particular to, but not limited to, 23 M.R.S.A. §1914 (11-A) and 30-A M.R.S.A. §3001.

4. DEFINITIONS:
   a. Changeable Sign-"Changeable sign" means an on-premises sign created, designed, manufactured or modified in such a way that is message may be electronically, digitally or mechanically altered by the complete substitution or replacement of one display by another on each side.
   b. Display-"Display" means that portion of the surface area of a changeable sign that is, or is designed to be or is capable of being periodically altered for the purpose of conveying a message.
   c. Flash-"Flash" means a brief sudden burst of bright light.
   d. Message-"Message" means a communication conveyed by means of a visual display of text.
   e. Phasing-"Phasing" means the gradual appearance or disappearance of text on a display.
   f. Scrolling-"Scrolling" means the moving of text across a display as if by unrolling a scroll.
   g. Time and temperature sign-"Time and temperature sign" means a changeable sign that electronically or mechanically displays the time and temperature by complete substitution or replacement of a display showing the time with a display showing the temperature.

5. REGULATIONS: The display on each side of a changeable sign:
   (i) may be changed no more frequently than once every two (2) seconds;
   (ii) must change as rapidly as technologically practicable, provided, however, that a display may change by scrolling, or phasing; and
   (iii) Time and temperature signs are specifically permitted so long as the display changes no more or frequently than every two seconds.
6. **PROHIBITION:** In no event shall a display or any changeable sign flash.

7. **STATE LAW:** Except as provided herein, changeable signs within the Town of Mexico shall comply with all requirements of state law, in particular, but not limited to, 23 M.R.S.A. §1914 (11-A).

8. **ADMINISTRATION:** The town shall notify the Maine Department of Transportation in writing that it has adopted this ordinance and shall send it a copy of the same. The Maine Department of Transportation shall administer the provisions of this ordinance.

Date adopted: 6/12/2007
Attest: Penny S. Duguay, Clerk
TOWN OF MEXICO
CONSUMER FIREWORKS ORDINANCE

1. TITLE, AUTHORITY, AND PURPOSE

A. Title
This Ordinance shall be known as the "Town of Mexico Consumer Fireworks Ordinance."

B. Authority
This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution; the provisions of 30-A M.R.S.A. § 3001 (Home Rule), and the provisions of Title 8 M.R.S.A. § 223-A, et seq.

C. Purpose
The purpose of this Ordinance is to protect the public health, safety and welfare of the residents, property owners and the general public by prohibiting the sale and use of consumer fireworks in Mexico, Maine.

2. EFFECTIVE DATE

This Ordinance becomes effective on the date of its adoption by the legislative body. Within 60 days of the date of the adoption of this Ordinance the Town Clerk shall provide an attested copy of the Ordinance to the Office of the State Fire Marshal.

3. AMENDMENTS

A. Initiation of Amendments: An amendment to this Ordinance may be initiated by:
   i. Request of the municipal officers; or
   ii. Written petition of a number of voters equal to at least 10% if the number of votes cast in the municipality at the last gubernatorial election.

B. The municipal officers shall hold a public hearing on the proposed amendment at least 14 days prior to the meeting of the Governing Body. Notice of the public hearing shall be posted at the town office at least seven days prior to the public hearing. Notice of the hearing shall be published at least two times in a newspaper of general circulation in the area. The date of the first notice shall be at least seven days before the hearing.

C. Adoption of Amendment: An amendment to this Ordinance may be adopted by a majority vote of the Town Meeting. Within 60 days of the date of the adoption of an amendment to this Ordinance the Town Clerk shall provide an attested copy of the amended Ordinance to the Office of the State Fire Marshal.

4. CONFLICT AND SEVERABILITY

A. If there is a conflict between provisions in this Ordinance, the more stringent shall apply. If there is a conflict between a provision in this Ordinance and that of another Ordinance, the provision of this Ordinance shall apply.

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

5. USE AND SALE OF CONSUMER FIREWORKS PROHIBITED

No person shall use, sell or offer for sale consumer fireworks within the Town of Mexico.

6. EXCEPTIONS

This Ordinance does not apply to a person issued a fireworks display permit by the Town of Mexico and/or the State of Maine pursuant to Title 8 M.R.S.A. § 227-A.
7. ENFORCEMENT

This Ordinance shall be enforced by the Town of Mexico Police Department.

8. VIOLATION PENALTIES

A. Use of consumer fireworks
   Use of consumer fireworks in violation of this chapter shall be subject to a fine of not less than $250 plus attorney's fees and costs for the first offense, or a fine of not less than $250 or more than $500 plus attorney costs for each subsequent offense.

B. Sale of consumer fireworks
   Sale of consumer fireworks in violation of this chapter shall be subject to a fine of not less than $500 nor more than $1,000 plus attorney's fees costs for the first offense, or a fine of not less than $1,000 nor more than $2,500 plus attorney costs for each subsequent offense.

C. Seizure of consumer fireworks
   The Town may seize consumer fireworks that it has probable cause to believe are used or sold in violation of this chapter. All consumer fireworks lawfully seized under this chapter shall be forfeited to the State of Maine pursuant to Title 8 M.R.S.A. § 237.

9. APPEALS

Any appeals with respect to decisions made under this Ordinance shall be taken to Oxford County Superior Court within 30 days of the decision being appealed.

10. DEFINITIONS

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

Consumer Fireworks: "Consumer fireworks" has the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provision, but includes only products that are tested and certified by a 3rd-party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47.

Adopted: November 6, 2012

Attest: Penny S. Duguay, Town Clerk
TOWN OF MEXICO
ORDINANCE CONTROLLING NUDITY IN LICENSED BUSINESSES

ARTICLE I - PURPOSE

SECTION 1.1. THE PURPOSE OF THIS ORDINANCE IS TO REGULATE NUDITY AS A FORM OF COMMERCIAL EXPLOITATION AND TO REGULATE DRESS AS A FORM OF CONDUCT AND NOT TO IMPEDE THE FREE EXCHANGE AND EXPRESSION OF IDEAS. THE CONDUCT REGULATED IS THAT WHICH THE COMMUNITY AND THE BOARD OF SELECTMEN IN PUBLIC MEETINGS HAVE CLEARLY FOUND TO BE OFFENSIVE TO THE GENERAL WELFARE, PUBLIC SAFETY, ORDER AND MORALS OF THE TOWN OF MEXICO AND ITS CITIZENS.

ARTICLE II - DEFINITIONS

SECTION 2.1 - THEATER. AS USED IN THIS ORDINANCE, "THEATER" MEANS (a) A BUILDING, PLAYHOUSE, HALL, OR OTHER PLACE HAVING A PERMANENT STAGE UPON WHICH MOVABLE SCENERY AND THEATRICAL OR VAUDEVILLE OR SIMILAR PERFORMANCES ARE GIVEN AND PERMANENTLY AFFIXED SEATS SO ARRANGED THAT A BODY OF SPECTATORS CAN HAVE AN UNOBSTRUCTED VIEW OF THE STAGE, OR (b) A BUILDING, ROOM, HALL, OR OTHER PLACE WHOSE PRIMARY FUNCTION IS TO PRESENT MOVIES OR MOTION PICTURES AND WHICH HAS A PERMANENT MOVIE SCREEN AND PERMANENTLY AFFIXED SEATS SO ARRANGED THAT A BODY OF SPECTATORS CAN HAVE AN UNOBSTRUCTED VIEW OF SAID SCREEN, OR (c) AN OPEN-AIR OR "DRIVE-IN" MOVIE HAVING A PERMANENTLY AFFIXED MOVIE SCREEN AND PERMANENTLY AFFIXED DEVICES FOR BROADCASTING THE SOUNDTRACKS OF MOVIES OR MOTION PICTURES INSIDE OF THE PATRON'S VEHICLES.

SECTION 2.2 - LICENSE ORDINANCE. LICENSE ORDINANCE MEANS THE ORDINANCE AUTHORIZING THE GRANTING OF MUNICIPAL LICENSES FOR BUSINESSES WITHIN THE TOWN OF MEXICO AS AMENDED TO THE DATE ON WHICH THE VIOLATION OF THIS ORDINANCE TAKES PLACE.

SECTION 2.3 - SALES PERSON, WAITER, WAITRESS AND ENTERTAINER. A PERSON SHALL BE DEEMED A SALES PERSON, WAITER, WAITRESS OR ENTERTAINER IF SUCH PERSON ACTS IN THAT CAPACITY WITHOUT REGARD TO WHETHER OR NOT SUCH PERSON IS PAID ANY COMPENSATION BY THE MANAGEMENT OF THE ESTABLISHMENT IN WHICH THE ACTIVITY IS PERFORMED.

SECTION 2.4 EXPOSE. "EXPOSE" OR "EXPOSED" MEANS UNCLOTHED OR UNCOSTUMED OR NOT COVERED BY A FULLY OPAQUE CLOTH OR TEXTILE MATERIAL, OR TO EMPLOY ANY DEVICE OR COVERING WHICH IS INTENDED TO GIVE THE APPEARANCE OF OR TO SIMULATE THE GENITALS, PUBIC HAIR, BUTTOCKS, PERINEUM, ANUS OR A PORTION OF THE FEMALE BREASTS AT OR BELOW THE AREOLA THEREOF.

ARTICLE III - PROHIBITIONS

SECTION 3.1. IT SHALL BE UNLAWFUL FOR A PERSON WHO, WHILE ACTING AS A SALES PERSON, WAITER, WAITRESS, ENTERTAINER OR IN ANY OTHER CAPACITY AS AN OWNER, MANAGER, OR EMPLOYEE IN A BUSINESS SUBJECT TO LICENSE UNDER THE LICENSE ORDINANCE OF THE TOWN OF MEXICO: (a) TO EXPOSE HIS OR HER GENITALS, PUBIC HAIR, BUTTOCKS, PERINEUM, OR ANUS; OR (b) TO EXPOSE ANY PORTION OF THE FEMALE BREASTS AT OR BELOW THE AREOLA THEREOF.

SECTION 3.2. IT SHALL BE UNLAWFUL FOR A PERSON TO CAUSE, PERMIT, PROCURE, COUNSEL, OR ASSIST ANY PERSON TO EXPOSE HIMSELF OR HERSELF AS PROHIBITED BY SECTION 3.1 OF THIS ORDINANCE.
(CONTROL NUDITY - ORDINANCE)

SECTION 3.3. IT SHALL BE UNLAWFUL FOR A PERSON OPERATING A BUSINESS SUBJECT TO LICENSE UNDER THE LICENSE ORDINANCE OF THE TOWN OF MEXICO TO, AT SAID PLACE OF BUSINESS, DISPLAY OR CAUSE OR PERMIT THE DISPLAY OF PHOTOGRAPHS, COVERS OF MAGAZINES, NEWSPAPERS OR OTHER PRINTED MATTER WHICH EXPOSE OR SHOW GENITALS, PUBIC HAIR, BUTTOCKS, PERINEUM, ANUS, OR FEMALE BREASTS AT OR BELOW THE AREOLA THEREOF, IN SUCH MANNER THAT SUCH PHOTOGRAPHS, COVERS OF MAGAZINES, NEWSPAPERS, OR OTHER PRINTED MATTER ARE VISIBLE TO CHILDREN OR UNWILLING ADULTS USING THE SIDEWALKS, STREETS, OR HIGHWAYS.

ARTICLE IV - EXCEPTIONS

SECTION 4.1. SECTIONS 2.1 AND 2.2 OF THIS ORDINANCE DO NOT APPLY TO: (a) A THEATER OR SIMILAR ESTABLISHMENT WHICH IS PRIMARILY DEVOTED TO THEATRICAL PERFORMANCES OR THE PRESENTATION OF MOVIES.

SECTION 4.2. THIS ORDINANCE DOES NOT APPLY TO ANY ACT AUTHORIZED OR PROHIBITED BY ANY STATUTE OF THE STATE OF MAINE.

ARTICLE V - PENALTY

SECTION 5.1. ANY ACT MADE UNLAWFUL BY THIS ORDINANCE AND ANY VIOLATION OF THIS ORDINANCE SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN $500 (FIVE HUNDRED) FOR EACH OFFENSE. EACH DAY THAT SUCH UNLAWFUL ACT OR VIOLATION CONTINUES SHALL BE CONSIDERED A SEPARATE OFFENSE.

SECTION 5.2. IN ADDITION TO ANY OTHER PENALTY PROVIDED BY THE LAW, THE COMMISSION OF ACTS PROHIBITED BY THIS ORDINANCE SHALL CONSTITUTE A NUISANCE AND MAY BE ABATED BY THE TOWN SEEKING AN INJUNCTION TO PROHIBIT FURTHER AND CONTINUED VIOLATION THEREOF.

ARTICLE VI - SEVERABILITY

SECTION 6.1. IF ANY SECTION, SUBSECTION, SENTENCE, CLAUSE, OR PHRASE OF THIS ORDINANCE IS FOR ANY REASON HELD TO BE UNCONSTITUTIONAL OR INVALID, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS OF THIS ORDINANCE.

ADOPTED: 6/7/99
SIGNED:

ARTHUR BORDEAU, CHAIRMAN

ROLAND ARSENAULT

LOUISE WATERHOUSE

ROBERT LYONS

BRIAN ELLIOTT
SELECTMEN, TOWN OF MEXICO
TOWN OF MEXICO
CURFEW ORDINANCE

SEC - 1-0 Title

This article shall be known as the Town of Mexico "Curfew Ordinance."

SEC 1-1 Definitions

1. Curfew Hours means the hours from 9:00 p.m. to 6:00 a.m. of the following day.

2. Emergency means unforeseen circumstances, or the result situation, calling for immediate action. This includes, but is not limited to, fire, natural disaster, or vehicular accident, as well as any situation requiring an action to avert serious injury for the loss of life.

3. Guardian means a person or at public or private agency who, either pursuant to court order or acceptance of testamentary appointment, is a legal guardian of the minor. This definition also includes a person to whom parental powers has been delegated under 18-A M.R.S.A. § 5-104.

4. Minor means any person who is 17 years of age or younger.

5. Parent means a person who is a natural parent, adoptive parent, or step-parent of the minor.

6. Public place means a place located in the town of Mexico to which the public, or a substantial group of the public, has access including, but not limited to, streets, highways, sidewalks, parking lots, vacant lots, parks and the common areas in and about apartment buildings, office buildings, hospitals, schools, shops and places of entertainment.

7. Remain means to linger or stay, as well as to refuse to leave when requested to do so by a police officer, or the owner, or the other person control of a public place. This term also encompasses activities which may be mobile, such as walking, driving and riding around in a public place.

SEC 1-2 Offenses

1. It shall be unlawful for a minor to remain in a public place during curfew hours.

2. It shall be unlawful for a parent or guardian of a minor to knowingly permit, or allow by exercise and insufficient control, the minor to remain in a public place during curfew hours.

SEC 1-3 Defenses

It is a defense to prosecute under Section 1-2 Offenses of this ordinance that the minor was:

1. Accompanied by the minor's parents or guardian;
2. Involved in an emergency or on an errand necessitated by an emergency;

3. Engaged in an employment activity, or on the way to or from an employment activity, without needing to stop except as necessary to drop off or pick up a co-employee;

4. In a motor vehicle involved in interstate travel;

5. On an errand directed by a parent or guardian, without any detour or stop;

6. On the sidewalk abutting the minor’s home;

7. Attending a school, religious, or government activity which is supervised by adults, or traveling to or from such a school, religious, or governmental activity without detour or stop;

8. Attending a recreational activity sponsored by the Town of Mexico, a civic organization, or a similar entity which is supervised by adults, or traveling to or from such an activity without detour stop;

9. Exercising rights protected by the First Amendment of the United States Constitution;

10. Married or otherwise legally emancipated;

SEC 1-4 Enforcement

Before taking any action to enforce this ordinance, a police officer shall ask the parent offender’s age. The officer may ask for proof of the apparent offender’s age, and may be justified in taking action to ascertain the apparent offender’s age in the absence of identification, such as taking the apparent offender into custody while contacting his or her parent or guardian, or accompanying the apparent offender into custody while contacted his or her residence for the purpose of obtaining identification.

If the apparent offender is a minor, or cannot produce identification proven otherwise immediately, the officer shall ask the reason for the apparent offenders being in a public place. The officer shall not take any action to enforce this section unless the officer reasonably believes that an offense has occurred and based on any responses as well as the circumstances, no defense provided in Section 1-3 Defenses is applicable. If the officer does have such a reasonable belief, the officer may take the minor into custody for the purpose of contacting the minor’s parents or guardian to come to take control of the minor. The police officer may summons the minor and the minor’s parents to the District Court for violation of this ordinance. During this period, the officer may require the minor or the minor’s parent or guardian or both to remain in the officer’s presence for a period of up to two hours, so long as the officer complies with all requirements of law, including without limitations, 17-A M.R.S.A. § 17.

SEC 1-5 Penalties for Minor’s

The penalty for a minor who violates this ordinance shall be:
1. For the first offense, the police officer will take the minor to the police department and notify the parent/guardian and provide a copy of the curfew ordinance to both the minor and parent/guardian;

2. For the second offense, five (5) hours of community service and/or a fine of $50.00 and any court cost;

3. For the third offense, ten (10) hours of community service and/or a fine up to $100.00 plus court cost;

4. For any subsequent offenses, fine of $150.00 plus any court cost;

Any community service will be supervised by the Mexico Police Department.

SEC 1-6 Penalties for Parents or Guardians

The penalty for a parent or guardian who violates this ordinance shall be:

1. For the first offense, a fine of $100.00 plus court cost;

2. For each subsequent offense, a fine of $200.00 plus court cost.

SEC 1-7 Severability

If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion therefore.

Adopted June 9, 2015

Attested: Penny S. Duguay, Town Clerk
FLOODPLAIN MANAGEMENT ORDINANCE

FOR THE

TOWN OF MEXICO, MAINE

ENACTED: June 9, 2009
Date

EFFECTIVE: June 9, 2009
Date

CERTIFIED BY: Penny S. Duguay
Signature

CERTIFIED BY: Penny S. Duguay
Print Name

Town Clerk
Title

60.3(d)
Printed 02-17-09
Prepared by SPO/dlt
Town of Mexico

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. CERTIFICATE OF COMPLIANCE</td>
<td>11</td>
</tr>
<tr>
<td>VIII. REVIEW OF SUBDIVISIONS AND DEVELOPMENT PROPOSALS</td>
<td>11</td>
</tr>
<tr>
<td>IX. APPEALS AND VARIANCES</td>
<td>12</td>
</tr>
<tr>
<td>X. ENFORCEMENT AND PENALTIES</td>
<td>14</td>
</tr>
<tr>
<td>XI. VALIDITY AND SEVERABILITY</td>
<td>14</td>
</tr>
<tr>
<td>XII. CONFLICT WITH OTHER ORDINANCES</td>
<td>14</td>
</tr>
<tr>
<td>XIII. DEFINITIONS</td>
<td>14</td>
</tr>
<tr>
<td>XIV. ABROGATION</td>
<td>19</td>
</tr>
</tbody>
</table>

60.3 (d) Rev. 2/09
(ordinance prepared Feb-17, 2009 by SPO/dlt)
ARTICLE I - PURPOSE AND ESTABLISHMENT

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


ARTICLE II - PERMIT REQUIRED

Before any construction or other development (as defined in Article XIII), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Mexico, 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.2 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, from data contained in the "Flood Insurance Study – Oxford 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/July 1995), including information obtained pursuant to Article VI.K. and VIII.D.;
      (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
      (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.

2. highest and lowest grades at the site adjacent to the walls of the proposed building;

3. lowest floor, including basement; and whether or not such structures contain a basement; and,

4. level, in the case of non-residential structures only, to which the structure will be floodproofed;

I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;

K. The following certifications as required in Article VI by a registered professional engineer or architect:

1. a Floodproofing Certificate (FEMA Form 81-65, 01/03, 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 Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;

3. a certified statement that bridges will meet the standards of Article VI.M.;

4. 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 $50 shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

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

3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.

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 in the State Planning Office 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, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a.,b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,

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

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 IX 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 VII 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 so as to prevent water from entering or accumulating within the components during flooding conditions.

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

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

D. On Site Waste Disposal Systems - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. Watercourse Carrying Capacity - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

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

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

2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.
G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:

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

2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D., or

   a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.

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

1. Zones AE shall:

   a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;

   b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,

   c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

   (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,

   (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
(3) all components of the anchoring system described in Article VI.H.1.c.(1)&(2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:
   a. be elevated on a permanent foundation, as described in Article VI.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.; and
   b. meet the anchoring requirements of Article VI.H.1.c.

I. **Recreational Vehicles** - Recreational Vehicles located within:
   1. Zones 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.

J. **Accessory Structures** - Accessory Structures, as defined in Article XIII, located within Zones AE and A, shall be exempt from the elevation criteria required in Article VI.F. & G. above, if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:
   1. be 500 square feet or less and have a value less than $3000;
   2. have unfinished interiors and not be used for human habitation;
   3. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
   4. be located outside the floodway;
   5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
   6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.
K. **Floodways** -

1. In Zones 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 "Digital Flood Insurance Rate Map, Oxford County" 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 Chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study - Guidelines and Specifications for Study Contractors*, (FEMA 37/January 1995, as amended).

3. In Zones AE and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of 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 AE and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspace 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 XIII;

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 AE and A shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and

2. a registered professional engineer shall certify that:

   a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of 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 AE and A shall:

   a. have the containment wall elevated to at least one foot above the base flood elevation;

   b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

   c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards 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 AE and A 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.

ARTICLE VII - CERTIFICATE OF COMPLIANCE

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

A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer, an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, or H.

B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.

C. Within 10 working days, the Code Enforcement Officer shall:
   1. review the Elevation Certificate and the applicant’s written notification; and,
   2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

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

A. All such proposals are consistent with the need to minimize flood damage.

B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

C. Adequate drainage is provided so as to reduce exposure to flood hazards.

D. All proposals include base flood 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 IX - APPEALS AND VARIANCES

The Board of Appeals of the Town of Mexico 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 it deems necessary.

D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:

1. other criteria of Article IX 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 IX, 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 IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:

1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage;

2. such construction below the base flood level increases risks to life and property; and,

3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. Appeal Procedure for Administrative and Variance Appeals

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.

2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.

4. The person filing the appeal shall have the burden of proof.

5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.

6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement 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 X - 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 any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:

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

2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;

3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;

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

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

ARTICLE XI - VALIDITY AND SEVERABILITY

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

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIII - DEFINITIONS

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

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

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

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

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

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 subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

Development - means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

Elevated Building - means a non-basement building

a. built, in the case of a building in Zones AE and A, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and

b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones AE and A, Elevated Building also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L.

Elevation Certificate - An official form (FEMA Form 81-31, 02/06, 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 - means:

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

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

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as 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 - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the 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 Flood-prone Area - means any land area susceptible to being inundated by water from any source (see flooding).

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

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

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

Floodway - see Regulatory Floodway.

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

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

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

Historic Structure - means any structure that is:

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

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

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

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

   1. By an approved state program as determined by the Secretary of the Interior, or

   2. Directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

b. when not designated on the community's Digital 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 - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

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

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

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).
February 17, 2009

Ms. Barbara Laramee, Selectman
Town of Mexico
PO Box 251
Mexico, ME 04257-0251

RE: Customized Ordinances, Datum Changes

Dear Ms. Laramee:

In December 2008, the Floodplain Management Program provided an updated customized ordinance based on the new Digitized Flood Insurance Rate Maps (DFIRMs) for Oxford County. The ordinance was sent to the Selectmen Chair and a copy of the cover letter explaining the process went to the Planning Board Chair and the Town’s Code Enforcement Officer. That ordinance did not reflect the change in datum source for the DFIRMs.

The new DFIRMs will be based on North American Vertical Datum (NAVD) instead of National Geodetic Vertical Datum (NGVD). A new customized ordinance is provided to reflect that change. There will be four changes from your previous ordinance. Those changes are as follows:

1) Article III, H – included the reference to “North American Vertical Datum”
2) Article XIV (Definitions) – Locally Established Datum, included reference to “North American Vertical Datum”
3) Article XIV (Definitions) – Mean Sea Level, included reference to “North American Vertical Datum”
4) Article XIV (Definitions) – Added definition for “North American Vertical Datum”

Please replace your ordinance that we previously provided with this new version containing the above referenced changes.

Thank you for your patience in this process. Please contact me or my staff at 287-3261 if we can be of further assistance

Sue Baker, CFM
State Floodplain Coordinator
Maine Floodplain Management Program

CC: Dan Casey, Planning Board
David Errington, Code Enforcement Officer
LAND MANAGEMENT ORDINANCE
FOR THE TOWN OF MEXICO, MAINE

Date adopted: June 12, 2000
Attest: Penny S. Duguay
Penny S. Duguay, Town Clerk
TOWN OF MEXICO
LAND MANAGEMENT ORDINANCE
PUBLIC HEARING VERSION

SECTION 1. Title

This Ordinance shall be known and cited as the Town of Mexico Land Management Ordinance and will be referred to as this Ordinance.

SECTION 2. Purpose

To implement the provisions of the Town's Comprehensive Plan; to conserve the natural resources; to provide orderly growth and appropriate land uses; and to promote the health, safety and welfare of the community.

SECTION 3. Authority

This Ordinance is adopted pursuant to the provisions of Article VIII-A of the Maine Constitution, provisions of Title 30-A M.R.S.A. Section 3001, and the State's Growth Management Law, Title 30-A M.R.S.A. Section 4312, et seq.

SECTION 4. Applicability

The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Mexico except as follows.

A. The area defined as the Downtown Development District shall not have to comply with Section 12, Nonconformance, Section 14, Table of Land Uses, Section 15.A, Minimum Lot Standards and Section 15.B, Principal and Accessory Structures of the Shoreland Zoning Ordinance, Town of Mexico.

B. Signs in the General Development District as defined in the Shoreland Zoning Ordinance, Town of Mexico shall comply with Section 11.K of this Ordinance.

SECTION 5. Conflicts with Other Ordinances

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

SECTION 6. Validity and Severability

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

SECTION 7. Effective Date

The effective date of this Ordinance shall be the date of the adoption by the legislative body.
SECTION 8. Amendments

A. Initiation of Amendments

An amendment to this Ordinance may be initiated by:

1. The Planning Board, provided a majority of the Board has so voted;
2. Request of the municipal officers; or
3. Written petition of a number of voters equal to at least 10% of the number of votes cast in the last gubernatorial election in the town.

B. The Planning Board shall hold a public hearing on the proposed amendment. Notification of the public hearing shall comply with Title 30-A M.R.S.A. Section 4352.9.

C. The Town Clerk shall forward to the Selectmen of adjacent communities of which a Land Use District amendment is proposed which is within five hundred (500) feet of a common town border at least ten (10) days in advance of the public hearing. The adjacent community may provide verbal or written testimony.

D. An amendment of this Ordinance may be adopted by a majority vote of the Town Meeting.

E. Copies of amendments, attested and signed by the Town Clerk shall be submitted to the State Planning Office within thirty (30) days of adoption.

SECTION 9. Nonconformance

A. Purpose

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

B. General Requirements

1. Transfer of Ownership

   Nonconforming structures, lots and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming 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 nonconforming uses and structures. All repairs and alterations shall comply with the provisions of applicable standards as contained in this Ordinance.
3. Rebuilding

If a nonconforming structure is damaged or destroyed by fire, other natural causes, or removed it may be rebuilt within one (1) year from date of destruction except as may be required by the Town of Mexico Floodplain Management Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

C. Nonconforming Structures

1. Expansions

A nonconforming 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 nonconformity of the structure.

2. Foundations

Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided that the completed foundation does not extend beyond the existing dimensions of the structure, and that the foundation does not cause the structure to exceed the maximum structure height as contained in Section 10.G.

D. Nonconforming Uses

1. Expansion

Expansion of nonconforming uses may be allowed provided the Planning Board after reviewing written application determines that no greater adverse impacts would occur as the result of the expansion as defined below.

a. The expansion of a nonconforming use will be in accordance with any applicable Performance Standards set forth in Sections 10.G and 11 of this Ordinance and the Site Plan Review Ordinance for the Town of Mexico.

b. The expansions of the nonconforming use will not encroach further on the required setbacks.

c. The proposed expansion is of the same character or less noxious than the current nonconforming use.

d. The expansion use will not create a traffic hazard nor increase an existing traffic hazard.

e. That the amount of parking required to meet the minimum requirements for the proposed use exists on the site or will be otherwise provided in accordance with this Ordinance.

f. The amount of noise, odors, vibrations, smoke, dust and air discharges of the proposed expansion shall be equal to or less than the present use.

g. The rate of surface water run-off from the site will not be increased.

h. The hours of operation of the proposed expansion will be compatible with the existing, surrounding land uses.
i. The proposed use will not increase the adverse impact on surrounding properties.

2. Change of Nonconforming Use

An existing legal nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made in accordance with the criteria in Section 9.D.1. a-i., above.

3. Resumption Prohibited

A lot, building or structure in or on which a nonconforming use is abandoned for a period exceeding two years, or which is superseded by a conforming use, may not again be devoted to a nonconforming 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.

E. Nonconforming Lots

1. Nonconforming Lots

A vacant, nonconforming lot of record recorded on or before 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 that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirement not involving lot size or frontage shall be obtained by action of the Board of Appeals.

2. Contiguous Built Lots

If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and, if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that they are served by public sewer or they comply with the State Minimum Lot Size Law and can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules.

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 they are served by public sewer or they comply with the State Minimum Lot Size Law and can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules. 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 and recorded in the Oxford County Registry of Deeds on or before October 1, 1994, and 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 may be built upon, conveyed separately, or conveyed together provided that they are served by public sewer or they comply with the State Minimum Lot Size Law and can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules.

F. Vested Rights

Nonconforming use rights cannot arise by the mere filing of a notice of intent to build, an application for building permits, or an application for required State permits and approvals. Such rights usually arise when actual construction has begun, or in the case of pending applications, when the review process on a complete application commences. Such construction must be legal at the time it commenced, and the owner is in compliance with all validly issued permits, both state and local.

SECTION 10. Land Use Districts

A. Purpose

The purposes of these district requirements are:

1. To implement the Comprehensive Plan policies;

2. To provide for development and redevelopment in locations where suitable public infrastructure is available;

3. To provide for separation of land uses that might otherwise be incompatible;

4. To protect the natural resources of the community from degradation; and

5. To provide for an orderly future growth pattern of the community.

B. Location of Districts

Said districts are located and bounded as shown on the Official Land Management District Map entitled "Land Management District Map of Mexico, Maine" dated and on file at the Town Office. The Official Map shall be signed by the Town Clerk and the Chairperson of the Planning Board at the time of adoption or amendment of this Ordinance certifying the date of such adoption or amendment.

C. Rules Governing District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Land Management District Map, the following rules shall apply.
1. Boundaries indicated as approximately following the center lines of streets, highways, 
alleys, railroad right-of-way, rivers or streams shall be construed to follow such center 
lines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as 
following such lot lines.

3. Boundaries indicated as approximately following Town limits shall be construed as 
following Town limits.

4. Boundaries indicated as following shorelines shall be construed to follow such shorelines, 
and, in the event of change in the shoreline, shall be construed as moving with the actual 
shoreline.

5. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 
through 4 above shall be so construed. Distances not specifically indicated on the Official 
Land Management District Map shall be determined by the scale of the map.

6. Where physical or cultural features existing on the ground are at variance with those shown 
on the Official Land Management District Map, or other circumstances not covered by 
subsections 1 through 5 above, the Board of Appeals shall interpret the district boundaries.

D. Division of Lots by District Boundaries

Where a Land Management District boundary line divides a lot or parcel of land in the same 
ownership of record at the time such line is established by adoption or amendment of this 
Ordinance, the use regulations applicable to the one portion of the lot may be extended into the 
other portion of the lot by no more than fifty (50) feet provided that the other portion is not 
regulated by the Town of Mexico Shoreland Zoning Ordinance.

E. Specific District Purposes

The following describes the major land use districts included in this Ordinance and shown on the 
Land Management District Map of Mexico, Maine.

1. Industrial

The purpose of this district is to provide locations for manufacturing, processing and 
warehousing that are or can be served by public water and sewer and have access to 
transportation systems with the capacity to carry traffic associated with these types of land 
uses.

2. Commercial I

The purpose of this district is to provide for locations adjacent to Route 2 for commercial 
and service related businesses and light manufacturing that are designed to not conflict with 
the traffic carrying function of this major travel corridor.
3. Commercial II

The purpose of this district is to provide locations for low intensity commercial and service businesses compatible with residential uses and the scenic qualities of Route 17.

4. Downtown Commercial

The purpose of this district is to provide for greater flexibility in development standards to encourage business development and redevelopment and the utilization of vacant and/or underutilized space, maintain historic values and implement the Downtown Redevelopment Plan by providing for a mixture of land uses typical located in downtown locations.

5. Residential I

The purpose of this district is to provide locations for high density residential land uses including single and multi family dwellings, mobile home parks and commercial type uses associated with residential locations.

6. Residential II

The purpose of this district is to provide locations for medium density residential areas adjacent to town-maintained or developer constructed roads. Residential uses including single family, multi-family and mobile home parks are the primary land uses in this District.

7. Rural

The purpose of this district is to maintain its rural characteristics while allowing low density residential development and other land uses that require a rural location.

F. Table of Land Uses

All land use activities, as indicated in Table 1, Table of Land Uses, shall conform with all of the applicable land use standards in Sections 11. The district designation for a particular site shall be determined from the Official Land Use District Map.

Key to Table:
- Yes: Allowed (no permit required but must comply with all applicable performance standards contained in Section 11.)
- No: Prohibited
- PB: Requires a Site Plan Review Approval pursuant to the Site Plan Review Ordinance for the Town of Mexico, Maine or other review as noted.
- CEO: Requires a permit from the Code Enforcement Officer

Abbreviations:
- I: Industrial
- C-I: Commercial I
- C-II: Commercial II
- DC: Downtown Commercial
- R-I: Residential I
- R-II: Residential II
- R: Rural
<table>
<thead>
<tr>
<th>LAND USES</th>
<th>DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Single family dwelling</td>
<td>no</td>
</tr>
<tr>
<td>2. Duplex</td>
<td>no</td>
</tr>
<tr>
<td>3. Multi-family dwelling</td>
<td>no</td>
</tr>
<tr>
<td>4. Mobile home park</td>
<td>no</td>
</tr>
<tr>
<td>5. Congregate housing</td>
<td>no</td>
</tr>
<tr>
<td>6. Structures accessory to residential uses</td>
<td>CEO</td>
</tr>
<tr>
<td>7. Home Occupations</td>
<td>yes3</td>
</tr>
<tr>
<td>8. Agriculture</td>
<td>yes</td>
</tr>
<tr>
<td>9. Timber harvesting</td>
<td>yes</td>
</tr>
<tr>
<td>10. Mineral extraction, including sand and gravel extraction</td>
<td>PB2</td>
</tr>
<tr>
<td>11. Cemetery</td>
<td>no</td>
</tr>
<tr>
<td>12. Church</td>
<td>no</td>
</tr>
<tr>
<td>13. Fire/police stations</td>
<td>no</td>
</tr>
<tr>
<td>14. Government offices</td>
<td>no</td>
</tr>
<tr>
<td>15. Public/private schools</td>
<td>no</td>
</tr>
<tr>
<td>16. Nursing Home</td>
<td>no</td>
</tr>
<tr>
<td>17. Museum/Library</td>
<td>no</td>
</tr>
<tr>
<td>18. Hospital</td>
<td>no</td>
</tr>
<tr>
<td>19. Public Utility Facility</td>
<td>PB2</td>
</tr>
<tr>
<td>20. Automobile Graveyard/Recycling/Junkyard</td>
<td>PB2</td>
</tr>
<tr>
<td>21. Gasoline service station</td>
<td>PB2</td>
</tr>
<tr>
<td>22. Auto repair/Sales</td>
<td>PB2</td>
</tr>
<tr>
<td>23. Hotel/Motel</td>
<td>no</td>
</tr>
<tr>
<td>24. Bed &amp; Breakfast</td>
<td>no</td>
</tr>
<tr>
<td>25. Indoor Theater</td>
<td>no</td>
</tr>
<tr>
<td>26. Kennel/Veterinary Hospital</td>
<td>no</td>
</tr>
<tr>
<td>27. Neighborhood Convenience Store</td>
<td>no</td>
</tr>
<tr>
<td>28. Offices: Business, Professional, Medical</td>
<td>PB2</td>
</tr>
<tr>
<td>29. Restaurant</td>
<td>no</td>
</tr>
<tr>
<td>30. Retail Business</td>
<td>PB2</td>
</tr>
<tr>
<td>31. Service Business</td>
<td>PB2</td>
</tr>
<tr>
<td>32. Shopping Center</td>
<td>no</td>
</tr>
<tr>
<td>33. Wholesale Business</td>
<td>PB2</td>
</tr>
<tr>
<td>34. Signs</td>
<td>CEO</td>
</tr>
<tr>
<td>35. Heavy Manufacturing</td>
<td>PB2</td>
</tr>
<tr>
<td>36. Light Manufacturing</td>
<td>PB2</td>
</tr>
<tr>
<td>37. Demolition/Waste Disposal</td>
<td>PB2</td>
</tr>
<tr>
<td>38. Sawmill</td>
<td>PB2</td>
</tr>
<tr>
<td>39. Accessory Structures/Uses</td>
<td>CEO4</td>
</tr>
<tr>
<td>40. Uses similar to uses requiring a CEO permit</td>
<td>CEO</td>
</tr>
<tr>
<td>41. Uses similar to uses requiring a PB permit</td>
<td>PB</td>
</tr>
</tbody>
</table>

1 Requires subdivision review and approval by the Planning Board pursuant to the Town of Mexico Subdivision Ordinance.
2 Requires site plan review and approval by the Planning Board pursuant to the Town of Mexico Site Plan Review Ordinance.
3 Home occupations that do not meet the standards in Section II.B.4 of the Site Plan Review Ordinance for the Town of Mexico require a permit from the Planning Board pursuant to Section VI.C of the Site Plan Review Ordinance for the Town of Mexico, Maine.
4 See specific standards contained in Section 11.N.
**AMENDMENT 11/7/2006**

G. **Dimensional Requirements**

Lots in all districts outside those areas regulated by the Shoreland Zoning Ordinance, Town of Mexico shall meet or exceed the following minimum requirements (additional area may be required by other provisions of this ordinance and the Town of Mexico Subdivision Ordinance). After the effective date of this ordinance, no lot shall be created or reduced below the minimum dimensional requirements unless allowed by other provisions of this ordinance.

### SPACE AND BULK STANDARDS

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Lot Size/Density</th>
<th>Minimum Road Frontage</th>
<th>Minimum Front Setback</th>
<th>Minimum Side Setback</th>
<th>Minimum Rear Setback</th>
<th>Maximum Impervious Surface Ratio</th>
<th>Maximum Structure Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial</td>
<td>40,000 sq. ft.</td>
<td>200 ft.</td>
<td>50 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>0.75</td>
<td>45 ft.</td>
</tr>
<tr>
<td>Commercial I</td>
<td>40,000 sq. ft.</td>
<td>200 ft.</td>
<td>25 ft.</td>
<td>15 ft.</td>
<td>10 ft.</td>
<td>0.70</td>
<td>45 ft.</td>
</tr>
<tr>
<td>Commercial II</td>
<td>40,000 sq. ft.</td>
<td>200 ft.</td>
<td>50 ft.</td>
<td>15 ft.</td>
<td>10 ft.</td>
<td>0.60</td>
<td>45 ft.</td>
</tr>
<tr>
<td>Downtown Commercial</td>
<td>7,500 sq. ft. with W &amp; S</td>
<td>75 ft.</td>
<td>15 ft.(^{1/2})</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>0.90</td>
<td>45 ft.</td>
</tr>
<tr>
<td></td>
<td>20,000 sq. ft. without W &amp; S</td>
<td>75 ft.</td>
<td>15 ft.(^{1/2})</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>0.90</td>
<td>45 ft.</td>
</tr>
<tr>
<td>Residential I</td>
<td>15,000 sq. ft. with W &amp; S</td>
<td>100 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>0.65</td>
<td>45 ft.</td>
</tr>
<tr>
<td></td>
<td>30,000 sq. ft. without W &amp; S</td>
<td>150 ft.</td>
<td>50 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>0.65</td>
<td>45 ft.</td>
</tr>
<tr>
<td>Residential II</td>
<td>20,000 sq. ft. with W &amp; S</td>
<td>150 ft.</td>
<td>50 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>0.65</td>
<td>45 ft.</td>
</tr>
<tr>
<td></td>
<td>40,000 sq. ft. without W &amp; S</td>
<td>150 ft.</td>
<td>50 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>0.65</td>
<td>45 ft.</td>
</tr>
<tr>
<td>Nonconforming Lots</td>
<td>5,000-7,500 sq. ft. with W &amp; S</td>
<td>50 ft.</td>
<td>25 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>N/A</td>
<td>45 ft.</td>
</tr>
<tr>
<td>Rural</td>
<td>80,000 sq. ft.</td>
<td>250 ft.</td>
<td>50 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>0.25</td>
<td>45 ft.</td>
</tr>
</tbody>
</table>

**NOTES:**

1. Measured from the edge of the right-of-way.
2. In cases where there is a uniform and consistent street wall along a street, and the front setback requirement of fifteen (15) feet is greater than the typical setback as determined by the code enforcement officer, the front setbacks may be reduced to the prevailing setback by the code enforcement officer. When such setback reduction occurs, the front setback for the proposed structure must be the prevailing setback.
3. The total area of all structures, parking lots and other non-vegetated surfaces.
4. Upon request, a variance may be approved for 6 ft. side and rear setbacks on nonconforming lots by the planning board and abutters.

1. **Required Frontage**
   
   a. All lots hereinafter created shall possess a minimum frontage on (1) a public road, or on (2) a privately-owned road or other thoroughfare or access route which complies with the Town of Mexico Street Standards Ordinance.
   
   b. Corner lots shall have the minimum road frontage on at least one (1) road.
Signed:

Daniel Casey, Chairman

Leon Cantin, Vice Chair

Joseph Derouche

Ernest Robichaud

Reggie Arsenault, Jr.

Edward Carey, Sr.

Gerald Drinkuth

David Cross

Planning Board Members

Date: September 7, 2006

**Approved by voters November 7, 2006

Penny L. Auguray Town Clerk
LAND MANAGEMENT ORDINANCE
FOR THE TOWN OF MEXICO, MAINE
April 5, 2016

The planning board proposes to reduce the set back requirements, side and rear for residential from 25ft. down to 6ft. and Down Town Commercial from 10ft to 6ft. This would change the bulk standard chart attached and the Land management district map would stay the same as both the districts overlap. Most of these lots are 50ft x 100ft.

David Errington
CEO/LPI

Adopted: June 14, 2016
Penny S. Day, Town Clerk
G. Dimensional Requirements

Lots in all districts outside those areas regulated by the Shoreland Zoning Ordinance, Town of Mexico shall meet or exceed the following minimum requirements (additional area may be required by other provisions of this Ordinance and the Town of Mexico Subdivision Ordinance). After the effective date of this Ordinance, no lot shall be created or reduced below the minimum dimensional requirements unless allowed by other provisions of this Ordinance.

### SPACE AND BULK STANDARDS

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Lot Size/ Density</th>
<th>Minimum Road Frontage</th>
<th>Minimum Front Setback</th>
<th>Minimum Side Setback</th>
<th>Minimum Rear Setback</th>
<th>Maximum Impervious Surface Ratio</th>
<th>Maximum Structure Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial</td>
<td>40,000 sq. ft.</td>
<td>200 ft.</td>
<td>50 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>0.75</td>
<td>45 ft.</td>
</tr>
<tr>
<td>Commercial I</td>
<td>40,000 sq. ft.</td>
<td>200 ft.</td>
<td>15 ft.</td>
<td>10 ft.</td>
<td></td>
<td>0.70</td>
<td>45 ft.</td>
</tr>
<tr>
<td>Commercial II</td>
<td>40,000 sq. ft.</td>
<td>200 ft.</td>
<td>50 ft.</td>
<td>15 ft.</td>
<td>10 ft.</td>
<td>0.60</td>
<td>45 ft.</td>
</tr>
<tr>
<td>Commercial III</td>
<td>7,500 sq. ft. With W&amp;S</td>
<td>75 ft.</td>
<td>15 ft.</td>
<td>10 ft.</td>
<td>10 ft.</td>
<td>0.90</td>
<td>45 ft.</td>
</tr>
<tr>
<td>Residential I</td>
<td>15,000 sq. ft. With W&amp;S</td>
<td>100 ft.</td>
<td>25 ft.</td>
<td></td>
<td></td>
<td>0.50</td>
<td>45 ft.</td>
</tr>
<tr>
<td>Residential II</td>
<td>20,000 sq. ft. With W&amp;S</td>
<td>150 ft.</td>
<td>50 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>0.65</td>
<td>45 ft.</td>
</tr>
<tr>
<td>Rural</td>
<td>80,000 sq. ft.</td>
<td>250 ft.</td>
<td>50 ft.</td>
<td>25 ft.</td>
<td>25 ft.</td>
<td>0.25</td>
<td>45 ft.</td>
</tr>
</tbody>
</table>

**NOTES:**

1. Measured from the edge of the right-of-way.
2. In cases where there is a uniform and consistent street wall along a street, and the front setback requirement of fifteen (15) feet is greater than the typical setback as determined by the Code Enforcement Officer, the front setbacks may be reduced to the prevailing setback by the Code Enforcement Officer. When such setback reduction occurs, the front setback for the proposed structure must be the prevailing setback.
3. The total area of all structures, parking lots and other non-vegetated surfaces.

1. Required Frontage

a. All lots hereinafter created shall possess a minimum frontage on (1) a public road, or on (2) a privately-owned road or other thoroughfare or access route which complies with the Town of Mexico Street Standards Ordinance.

b. Corner lots shall have the minimum road frontage on at least one (1) road.
2. Cul-de-sac Frontage

New building lots located at the cul-de-sacs along curves in a street where the radius of the curve at the front lot line is less than ninety (90) feet, may be designed so that they have a minimum of thirty-five (35) feet of street frontage along the front lot line, so long as lot width at the location where the principal building is to be constructed is at least equal to the distance normally required for street frontage in that district.

3. Front Setback

The minimum front setback along a public road, privately-owned road or common driveway shall be measured from the edge of the right-of-way line, according to the above table. The depth of any yard abutting a public road shall conform to the front setback.

4. Multiple Structures

If more than one (1) principal structure is constructed on a single parcel of land, the "minimum lot area" requirement shall apply to each structure, and each structure shall meet the front side, and rear setback and road frontage requirements. Each principal structure shall be designed on its own lot.

5. Parking Areas

Parking areas shall not be located within any required front setback area but may be located within ten feet of the side or rear lot lines. (This shall not apply to personally owned vehicles on residential lots.)

6. Setback Measurements

All setbacks shall be measured from the property line to the nearest part of the structure except as provided for above.

7. Accessory Structures

Accessory structures shall comply with Section 11.N.

8. Corner Lots

The front setback requirement shall be observed along all roads abutting the lot.

9. Corner Lot Obstructions

All corner lots shall be kept free from visual obstruction for a distance of twenty (25) feet measured along the street lines.

10. Heights Limits

Height limits of forty-five (45) feet may be exceeded for structures not intended for human habitation upon review and approval of the Fire Chief.
SECTION 11. Performance Standards

A. Backlots/Residential

Backlots may be developed for single-family use although they lack any frontage on a public or privately owned street if the development is in accordance with the following provisions:

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

   a. The right of way must be conveyed by deed or other legal instrument registered in the Oxford County Registry of Deeds to the owner of the backlot and be a minimum of fifty (50) feet in width.

   b. A legal description of the right-of-way by metes and bounds shall be attached to any building permit application for construction on the backlot.

   c. The right-of-way deed or other legal instrument must be recorded in the Oxford County Registry of Deeds before a building permit is issued.

   d. Creation of a fifty (50) foot wide right-of-way to serve the backlot shall not create a nonconforming front lot by reducing such lots required road frontage below the minimum, of, if the front lot is already nonconforming, reduce its road frontage at all. Where the right-of-way is conveyed by easement or irrevocable license, or some grant less than a fee interest, the land over which such servitude is placed may not be counted toward meeting road frontage requirements for the front lot.

   e. The right-of-way may serve only one (1) single-family dwelling unless the following provisions are met:

      1) The right-of-way may serve two (2) single-family dwellings if a driveway meets the standards contained in Section VI.L. of the Town of Mexico Street Standards Ordinance are met.

   f. No more than one (1) right-of-way for backlot development may be created out of any single lot fronting on public or privately owned street unless each subsequent right-of-way is created out of at least one hundred fifty (150) feet of frontage on a public or privately owned road frontage, and the center lines of the right-of-way entrances are at least two hundred (200) feet apart.

   g. Backlots legally recorded on or before October 1, 1994, served by a deeded right-of-way legally recorded on or before October 1, 1994, shall be exempt from the minimum right-of-way requirements.

   h. Each single family dwelling on a back lot shall be located within an area defined by a circle with a minimum diameter equal to the required road frontage in the District.

B. Backlots/Industrial and Commercial

Backlots may be developed for industrial/commercial uses, although they lack any frontage on a public or privately owned street if the development is in accordance with the following provisions.

13
1. The right-of-way must be conveyed by deed or other legal instrument registered in the Oxford County Registry of Deeds to the owner of the backlot and be a minimum of fifty (50) feet in width.

2. A legal description of the right-of-way by metes and bounds shall be attached to any building permit application for construction on the backlot.

3. The right-of-way deed or other legal instrument must be recorded in the Oxford County Registry of Deeds before a building permit is issued.

4. Creation of a fifty (50) foot wide right-of-way to serve the backlot shall not create a nonconforming front lot by reducing such lots required road frontage below the minimum, or, if the front lot is already nonconforming, reduce its road frontage at all. Where the right-of-way is conveyed by easement or irrevocable license, or some grant less than fee interest, the land over which such servitude is placed may not be counted toward meeting road frontage requirements for the front lot.

5. The shortest distance between the backlot and the road shall be at least two hundred (200) feet.

C. Apartment Conversions

1. Purpose

The purpose of these standards are to provide less expensive rental units to the housing stock; make housing units available to lower income households who might otherwise have difficulty finding housing in Mexico and to protect property values and traditional residential characteristics.

2. General Requirements

The conversion of existing residences which otherwise would not meet dimensional requirements and/or parking requirements to multiple unit housing may be allowed by a permit granted by the Code Enforcement Officer, provided that the following are met:

a. Such conversion shall not create more than one (1) additional dwelling unit in a single family structure.

b. The converted apartment shall be designed so that the appearance of the building remains that of a single-family dwelling, with the exception of second floor emergency egress if required.

c. The design of the apartment conforms to all applicable standards in building and other codes.

d. Adequate off-street parking shall be provided.

e. Adequate provisions shall be made for the disposal of sewage, waste and drainage generated by the apartments.

f. Subsurface sewage disposal shall comply with all provisions of the State of Maine Subsurface Wastewater Disposal Rules.
D. Multi-family Structures

1. Lot size standards set forth in the Shoreland Zoning Ordinance Mexico, Maine shall govern those areas regulated by that Ordinance.

2. For those areas served by public water and sewer the following requirements shall be met for new and converted multi-family structures.
   a. Lots for multi-family structures shall have 10,000 square feet of land areas for each dwelling unit above two (2).
   b. For each dwelling unit above two (2) there shall be an additional twenty-five (25) feet of road frontage.

3. For those areas not served by public sewer and water the following requirements shall be met for new or converted multi-family structures.
   a. Lots for multi-family structures shall have 20,000 sq. ft of land area for each dwelling unit above two (2).
   b. For each dwelling unit above two (2) there shall be an additional fifty (50) feet of road frontage.
   c. Side and rear setbacks shall be a minimum of fifty (50) feet.

E. Water Quality Protection

No materials of any kind shall be permanently or temporarily placed or deposited directly into or in the floodplains of any river or stream, lake, pond or on the ice thereof where such material may fall or otherwise find its way into said watercourses, nor shall such material be placed or deposited directly in pits, wells, or on the ground surface in such a manner that would cause water quality degradation. Such activities shall be in conformity with applicable local, state and federal laws.

F. 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 storm waters.

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

G. 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 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 riprap.

2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, 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 manmade drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year 24 hour storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

H. 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 soil’s report shall include recommendations for a proposed use to counteract soil limitations where they exist.
I. Driveways

Each residential structure shall have a driveway not less than ten (10) feet in width and extend at least ten (10) feet beyond the road right to way width. Driveways shall be inspected by the Code Enforcement officer to determine if shall be necessary.

J. Off-Street Parking

A use shall not be extended and no structure shall be constructed or enlarged unless sufficient off-street parking space is provided that conforms to the following:

1. Parking areas with more than two (2) parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.

2. Parking areas shall be designed to permit each motor vehicle to proceed to and from parking space provided for it without requiring the moving of any other motor vehicle.

3. Off-street parking spaces shall comply with the following standards.

   a. Except as provided below, each parking space shall contain a rectangular area at least eighteen (18) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs and aisles, so long as the parking spaces so created contain within them the rectangular required by this section.

   b. Up to twenty (20) percent of the required parking spaces needed may contain a rectangular area of only eight (8) feet in width by fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.
4. Off-street parking shall be provided to conform with the number required in the following:

- **Residential**
  - With 2 or more bedrooms: two per dwelling unit
  - With one bedroom: 1 1/4 per dwelling unit

- **Retail**
  - one per 300 sq. ft. of gross floor area

- **Office**
  - one per 200 sq. ft. of gross floor area

- **Wholesale/warehouse**
  - one per 1,200 sq. ft. of storage or gross floor area

- **Industrial/Manufacturing**
  - one per employee on maximum working shift

- **Hotels, motels, tourist homes**
  - one per room plus 1/4 per employee

- **Nursing/convalescent homes**
  - 1/2 per bed

- **Schools**
  - Elementary: one per classroom
  - Secondary: 5 per classroom

- **Theaters/auditoria/churches**
  - one per five seats and one space per 100 sq. ft. of area for assembly

- **Eating and drinking establishments**
  - one per three seats

For those uses not specifically listed or able to be placed into one of the above categories, there shall be sufficient off-street spaces to accommodate the normal parking demand as determined by the Planning Board.

5. Required off-street parking for lots which cannot provide their own parking because of location, lot size or other existing development may be substituted by parking facilities which, in the public's interest, may be provided for by the Town of Mexico or private parking resources. No such public or private off-street parking shall be considered as a substitute unless located within five hundred (500) feet of the principal building or use as measured along lines of public access.

If the required off-street parking is to be provided by off-site private parking such areas shall be held in fee simple by the owner of the use served, or in other tenure as assures continued availability for parking as long as the particular land will be needed for such use provided that if the tenure is other than ownership in fee simple, the form of the tenure shall be approved by the Town Manager prior to final approval by the Planning Board.

6. The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.
7. The use of an existing building for its current use shall be deemed to be in compliance with the off-street parking requirements of this section. However, any change in the use above the first floor or any renovation which increases the floor area shall be required to comply with the required off-street parking requirements for the increased floor area.

K. Signs

1. Purposes. The purposes of these standards are to encourage the effective use of signs as a means of communication in the Town of Mexico; to maintain and enhance the aesthetic environment of the Town of Mexico; to create and maintain an attractive business climate in the Town of Mexico; to improve and maintain pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and implement the intent of the Mexico Comprehensive Plan.

2. Except as provided in Section 3.a-m, no sign may be erected, enlarged, illuminated or substantially altered without a Sign Permit issued by the Code Enforcement Officer after finding that the sign is in accordance with the provisions of this section.

3. The following types of signs are permitted, except where otherwise prohibited by law and shall not require a Sign Permit issued by the Code Enforcement Officer.

   a. All permanent on-premise signs erected prior to the effective date of this Ordinance, (ordinary maintenance and upkeep shall be allowed).

   b. Any sign approved by the Planning Board, as an element of Site Plan Review, prior to the effective date of this Ordinance or as proposed in a pending application.

   c. One sign not exceeding two (2) square feet used to display the street number and/or name of the occupants of the premises.

   d. One non-illuminated non-internally lit sign not exceeding six (6) square feet used to describe a home occupation.

   e. One sign not exceeding thirty-two (32) square feet on the premises of public or semi-public buildings, and charitable or religious institutions. These signs may incorporate a bulletin board.

   f. Temporary signs displayed for thirty (30) days or less to advertise school, non-profit, civic, church and like events and garage sales, auctions and like events.

   g. One sign each for a building contractor, architect or engineer; each sign shall not exceed sixteen (16) square feet relating to construction projects. Such sign shall be removed within one (1) week after construction is complete.

   h. Subdivisions may have one non-internally lit sign at each public entrance to the development not to exceed thirty-two (32) square feet per sign.

   i. Any sign(s) placed by the State or Federal Governments or Town of Mexico that comply with the Department of Transportation standards.

   j. Outdoor signs identifying restrooms, parking, entrance and similar information.

   k. Memorial signs or tablets, names of buildings and date of construction, or historic markers when cut into masonry, bronzed or other permanent material affixed to the structure or placed on the property.
l. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

m. Signs not exceeding eight (8) square feet per sign which identify entrances and exists to parking and service areas.

4. Prohibited Signs: The following signs are prohibited in all areas of the Town of Mexico.

a. Signs, other than barber poles, time, and weather devices, that have visible moving parts or blinking, moving or glaring illuminations.

b. No permanent sign except traffic and similar public safety signs, official business directional signs shall be located in the public right-of-way of any street or highway except as may be allowed by State law.

c. No sign shall protrude beyond the property line of the lot on which it is placed.

d. No sign shall be located so that it interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit public streets or private roads.

e. Signs painted on or attached to stationary-vehicles except for signs relating to the sale of the vehicle. For the purpose of this section, a stationary vehicle means any vehicle not registered and inspected as required by Maine law.

f. Inflatable signs, tethered balloons and pennants except associated with special events or sales for a duration not to exceed seven (7) days in any calendar year.

g. Signs relating to any business which has been out of business for more than 365 days. The owner of the property or his agent shall be responsible for removing such signs.

h. Temporary movable signs are not permitted except for the following uses with the issuance by the Code Enforcement Officer of a no fee temporary sign permit.

i) To call attention to and/or to advertise the name of a new business and the products sold or activities to be carried on in connection with a new business. In such cases, no sign shall remain at some premises for more than 90 days in any calendar year.

ii) To advertise a special sale or sales. In such cases, a sign shall be allowed for a period not to exceed 90 days in any calendar year.

iii) To promote community or civic activities. In such cases, no sign shall remain in place for more than ninety (90) days in any calendar year.

5. Nonconforming Signs. Nonconforming signs that were otherwise lawful on the effective date of this Ordinance may continue except as provided below.

a. No nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition.

b. No illumination may be added to any nonconforming sign except if such illumination complies with the provisions of this section.

c. A nonconforming sign may not be moved except for maintenance, change in message or repair or replaced except to bring the sign into conformity with this section.
d. The message of a nonconforming sign may be changed so long as this does not create any new nonconformities.


a. Signs must be kept clean, legible and free from all hazards such as, but not limited to, faulty wiring, loose fastenings, or deterioration, and must be maintained at all times in such condition so as not to be detrimental to the public health or safety, detract from the physical appearance and the natural beauty of the community, or constitute a distraction or obstruction that may impair traffic safety.

b. Except for banners, flags, temporary signs and window signs conforming with all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials, and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame or structure.

c. All signs shall meet the following setback standards:

i) A minimum of twenty (20) feet from the outside edge of the paved portion of any public way with more than two travel lanes and/or a total paved portion in excess of twenty-four (24) feet in width.

ii) A minimum of five (5) feet from the right-of-way of any public or private street.

iii) All signs shall be setback a minimum of five (5) feet from side and rear lot lines.

d. Area and height of signs shall be computed as follows.

i) Computation of area of individual signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

ii) Computation of area of multi-faced signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both are part of the same sign structure, the sign area shall be computed by the measurement of one of the faces.

iii) Computation of height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be constructed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

7. Specific Standards

a. Commercial I, Commercial II, General Development and Industrial Districts: The following standards apply to the Commercial I, Commercial II, General Development and Industrial Districts.

i) In the case of a multi-tenant or condominium development, it shall be the responsibility of the owner or property manager of such premises to allocate sign space upon the premises, under the terms of this section.

ii) On each premise, there shall be allowed one wall or roof sign affixed to the exterior of the structure or for each occupancy under common ownership operation or control therein. Such signs shall not occupy more than thirty (30) percent of the wall area to which is attached or is above. For the purpose of this section, wall is defined as the facade of the building up to the roof line excluding windows, doors and architectural features.

iii) Window and door signs are allowed without regard to the percentage of the window or door in which they are displayed.

iv) Projecting Signs: One projecting sign is permitted per structure. Such signs shall extend no lower than ten (10) feet above ground level, project from the wall at an angle of ninety (90) degrees and be no nearer than fifteen (15) feet from any property line. No projecting sign shall exceed thirty-two (32) square feet.

v) Free Standing Signs:

a) One free standing sign per lot is permitted except for each additional 200 feet of street frontage per lot above the minimum frontage requirement for that district; an additional free standing sign is permitted provided it complies with Subsections b) and c) below.

No free standing sign shall exceed eighty (80) square feet in area. The top edge shall not be higher than twenty (20) feet vertical measure above average ground level from the base.

b) For lots with 200 feet of frontage or less, or lots that meet the criteria in Section a.) above, no free standing sign shall exceed eighty (80) square feet in surface area.

c) For lots with linear street frontages of more than 200 feet, the size of a single free standing sign maybe increased by 0.4 square feet in surface area for every linear foot of street frontage above 200 feet.

d) Lots fronting on two or more public streets are allowed the permitted signage for each street frontage, but signage cannot be accumulated and used on a single street in excess of that allowed for lots with only one street frontage.
e) Multi-tenant or unit commercial development which lacks street frontage and is served by a right-of-way may have one free standing sign not to exceed 160 square feet.

vi) Illumination: Signs shall be illuminated only by the following means:

a) A steady, stationary light(s) of single color shielded and directed solely at the sign and not casting light off the premises;

b) Interior or surface mounted, non-exposed, white lights of reasonable intensity; and

c) Neon tube illumination may be only used for window signs that do not exceed twenty-five (25) percent of the window area in which they are located.

vii) Awnings and canopy signs: Awnings and canopy signs are permitted. Canopies over fuel islands shall only advertise fuel and fuel products.

b. Downtown Commercial District.

First time signs and signs that replace existing signs in the Downtown Commercial shall comply with the following:

i) In the case of a multi-tenant development, it shall be the responsibility of the owner or property manager of such premise to allocate sign space upon the premise, under the terms of this section.

ii) On each premise, there shall be permitted one (1) wall or roof sign affixed to the exterior of the structure for each occupancy under common ownership, operation, or control therein. Such signs shall not occupy more than twenty (20) percent of the wall area to which it is attached or is above. For the purpose of this section, wall is defined as the facade of the building up to the roof line excluding windows, doors, and major architectural features.

iii) Window and door signs are allowed without regard to the percentage of the door or window in which they are displayed.

iv) One projecting sign is permitted per structure, projecting signs shall extend no lower than ten (10) feet above ground level, projecting from the wall at an angle of ninety (90) degrees. No projecting sign shall exceed twenty-four (24) square feet.

v) One free standing sign is permitting per lot. No free standing sign shall be greater than twenty-four (24) square feet.

vi) Awnings and canopy signs are permitted. Canopies over fuel islands shall only advertise fuel and fuel products.

vii) Signs shall be illuminated only by the following means:

a) A steady, stationary light(s) of single color shielded and directed solely at the sign and not casting light off the premises.

b) Interior, non-exposed, white lights of reasonable intensity.
c. Residential Districts
   i) In the case of a multi-tenant or condominium development, it shall be the
      responsibility of the owner or property manager of such premises to allocate
      sign space upon the premises under the terms of this section.
   ii) All signs shall be mounted flat on the wall or free standing.
   iii) Illumination: Signs shall be illuminated only by a steady stationary light(s) of
        single color shielded and directed solely at the sign not casting light off the
        premises.
   iv) Total Signage: The permitted total signage shall not exceed twenty-four (24)
        square feet.

d. Rural District:
   i) In the case of a multi-tenant or condominium development, it shall be the
      responsibility of the owner or property manager of such premises to allocate
      sign space upon the premises under the terms of this section.
   ii) All signs shall be mounted flat on the wall or be free standing.
   iii) Illumination: Signs shall be illuminated only by a steady stationary light(s) of
        single color shielded and directed solely at the sign not casting light of the
        premises.
   iv) Total Signage: The permitted total signage shall not exceed thirty-two (32)
        square feet.

b. Except for banners, flags, temporary signs and window signs all signs shall be
   constructed of permanent materials, and shall be permanently attached to the ground,
   a building, or other structure by direct attachment to a ridged wall, frame or structure.

c. Signs may be illuminated only by shielded, non-flashing lights.

Types of Signs by Land Management District

<table>
<thead>
<tr>
<th>Type of Sign</th>
<th>Land Management District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>C-1, C-2 &amp; I</td>
</tr>
<tr>
<td>Wall¹</td>
<td>P</td>
</tr>
<tr>
<td>Roof¹</td>
<td>P</td>
</tr>
<tr>
<td>Projecting</td>
<td>P</td>
</tr>
<tr>
<td>Free Standing</td>
<td>P</td>
</tr>
<tr>
<td>Window/Door</td>
<td>A</td>
</tr>
</tbody>
</table>

A = Allowed no permit necessary
P = Permitted with a sign permit issued by the Code Enforcement Officer
N = Not permitted

1. One (1) wall or roof sign is permitted per premise

24
### Type and Size of Sign by Land Management District

<table>
<thead>
<tr>
<th>District</th>
<th>Freestanding</th>
<th>Wall</th>
<th>Roof</th>
<th>Projecting</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td># Allowed</td>
<td>Max Area</td>
<td># Allowed</td>
<td>Max Area</td>
</tr>
<tr>
<td>C-1, C-2 &amp; I</td>
<td>1</td>
<td>80 sq.ft.</td>
<td>1</td>
<td>30% of wall area</td>
</tr>
<tr>
<td>DC</td>
<td>1</td>
<td>24 sq.ft.</td>
<td>1</td>
<td>20% of wall area</td>
</tr>
<tr>
<td>R-1 &amp; R-2</td>
<td>1</td>
<td>24 sq.ft.</td>
<td>1</td>
<td>24 sq.ft.</td>
</tr>
<tr>
<td>R</td>
<td>1</td>
<td>32 sq.ft.</td>
<td>1</td>
<td>32 sq.ft.</td>
</tr>
</tbody>
</table>

1. One free standing sign per lot is permitted except for each additional 200 feet of street frontage per lot above the minimum frontage requirement for that district an additional free standing sign is permitted.
2. For lots with linear street frontages of more than 200 feet, the size of a single free standing sign maybe increased by 0.4 square feet in surface area for every linear foot of street frontage above 200 feet.
3. On each premise, there shall be allowed one wall or roof sign affixed to the exterior of the structure or for each occupancy under common ownership operation or control therein. Such signs shall not occupy more than the percentage, identified in the above table, of the wall to which is attached or is above.
4. The total area of freestanding and wall signs shall not exceed the square footage identified in the table above.

### M. Archaeological Sites

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 thepermitting 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.

### N. Accessory Structures

1. Accessory structures one hundred and fifty (150) square feet and less.

   Accessory structures one hundred and fifty (150) square feet and less shall require a permit from the Code Enforcement Officer and shall not be located within the front setback but may be located not less than ten (10) feet from the side and rear lot line.

2. Accessory structures greater than one hundred and fifty (150) square feet.

   Accessory structures greater than one hundred and fifty (150) square feet shall require a permit from the Code Enforcement Officer and meet setbacks for the District in which they are located. In addition Section III.A.1 of the Site Plan Review Ordinance for the Town of Mexico, Maine shall be complied with.
Section 12 Appeals

A. Powers and Duties of the Board of Appeals

Appeals shall be to the Mexico Board of Appeals according to the procedures of the Town of Mexico Board of Appeals Ordinance to the extent that the following provisions are inconsistent with that Ordinance, the following provisions of this Ordinance shall control. The Board of Appeals shall have the following powers:

1. Administrative Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by, or failure to act by the Code Enforcement Officer or Planning Board in the administration of this Ordinance.

2. Variance Appeals: To authorize variances upon appeal within the limitations set forth in this Ordinance.

B. Variance Appeals

Variances may be permitted only under the following conditions:

1. Variances may be granted from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

2. The Board of Appeals shall not grant a variance unless it finds that:

   a. The strict application of the terms of this Ordinance would result in undue hardship.

      The term "undue hardship" shall mean:

      i) The land in question cannot yield a reasonable return
      ii) The need for a variance is due to unique circumstances of the property and not to general neighborhood conditions.
      iii) The granting of a variance will not alter the essential character of the locality,
      and
      iv) The hardship is not the result of action taken by applicant or a prior owner.

3. The Board of Appeals may grant a variance to a owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who is living in the dwelling or regularly uses the dwelling. The Board of Appeals shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board of Appeals may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. The term "structures necessary for access to or egress from the property" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

4. The Board of Appeals shall limit any variances as strictly as possible in order to insure conformance with the purposes and provisions of this Code to the greatest extent possible, and in doing so my impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
C. Appeal Procedure

1. Making an Appeal

a. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty (30) days of the decision.

b. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
   i) A concise written statement indicating what relief is requested and why it should be granted.
   ii) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
   iii) A fee of $20.00 payable to the Town of Mexico to cover administrative costs. The applicant shall in addition, pay the Town of Mexico for all costs of public hearing notices.

   c. 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.

   d. The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

2. Decision by Board of Appeals

a. A majority of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.

b. The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The Board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.

   c. The person filing the appeal shall have the burden of proof.

   d. The Board shall decide all appeals within thirty (30) days after the close of the hearing, and shall issue a written decision on all appeals.

   e. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefor, and the appropriate order, relief or denial thereof.

D. Appeal to Superior Court

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

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

Section 13. Enforcement

A. Nuisances

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

B. Code Enforcement Officer

1. 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.

2. 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.

3. 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.

C. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby 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.

D. Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452.
Section 14. Administration

A. Code Enforcement Officer

This ordinance shall be administered by a Code Enforcement Officer who shall be appointed or reappointed annually by the Municipal Officers. The Code Enforcement Officer shall inspect all buildings being constructed, placed, altered, replaced, relocated, or converted for the purpose of enforcing the provisions of this Code. The Code Enforcement Officer in the performance of his duties shall have the right to enter any property at reasonable hours or enter any building with the consent of the owner, occupant or agent to inspect the property or building for compliance with this Code.

B. Building Permits

A building permit shall be obtained prior to the construction, alterations, relocation, placement, replacement conversion or demolition or any structure or part thereof as required by the Town of Mexico Building Code.

Section 15. Definitions

A. Construction of Language

In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the various ordinances shall have the meaning implied by their context or their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustration or table, the text shall control.

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual or any other legal entity.

The present tense includes the future tense, the singular number includes the plural, and the plural numbers includes the singular.

The words "shall" and "will" are mandatory, the word "may" is permissive.

The word "lot" includes the word "plot" and "parcel."

The word "structure" includes the word "building."

The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be sued or occupied."

The words "Town" or "municipality" means the Town of Mexico, Maine.

Abandoned: Abandonment is the stopping of an activity, use, business, in addition to: actions taken by a property owner or representative that removes the major portion of materials, goods, equipment, facilities or parts thereof necessary for the operation of the activity, use, business. Also, contains the element of abandoned and/or change to a less intensive use of the property/structure.

Accessory Structure or Use: a use or structure which is incidental and subordinate to the principal use or structure. Accessory structures shall not include dog houses, well houses and the like. 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 affected by the granting or denial of a permit or variance; or a person whose land abuts or is across a road or street or body of water from 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.

Alteration: Any change or modification in construction, or change in the structural members of a building or structure such as bearing walls, columns, beams or girders or in the use of a building.

The term shall include change, modification, or addition of a deck, dormer, staircase, or roof of the building.

Automobile Body Shop: A business establishment engaged in body, frame or fender straightening and repair or painting and undercoating.

Automobile Graveyard: A place where three or more unregistered, unserviceable, discarded, worn-out or junked automotive vehicles, or bodies, or engines thereof are gathered together and may include the sale of used vehicles.

Back Lot: Any lot or parcel of land that does not have frontage on a public road or privately-owned street meeting the standards contained in Section VI.H. of the Town of Mexico Street Construction Ordinance or lacks the minimum frontage as required under Section 10.G of this Ordinance.

Bed and Breakfast: Any dwelling in which transient lodging or boarding and lodging are provided and offered to the public for compensation for less than one week. This dwelling shall also be the full-time, permanent residence of its owner. There shall be no provisions for cooking in any individual guest room.

Business and Professional Offices: The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychiatrists, counselors and the like or in which a business conducts its administrative, financial or clerical operations including banks and other financial services, but not retail sales nor activities utilizing trucks as part of the business operation.

Campground: Land upon which one or more tents are erected or trailers are parked for temporary family recreational use for a fee on sites arranged specifically for that purpose. The word "campground" shall include the words "camping ground" and "tenting grounds."

Canopy Sign: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Cemetery: Property used for the interring of the dead.

Church: A building or structure, or group of buildings or structures, designed primarily intended and used for the conduct of religious services excluding Sunday School.

Code Enforcement Officer: A person appointed by the municipal officers to administer and enforce this code.

Commercial Recreation: Any commercial enterprise which receives a fee in return for the provision of some recreational activity including but not limited to: racquet and tennis clubs, health facility, amusement parks, gymnasiums and swimming pools, and bowling alleys but not including amusement facilities, as defined herein.

Commercial Use: Commercial shall include the use of lands, buildings, or structures, other than home occupations, the intent and result of which activity is the production of income from the buying and selling of goods or services, exclusive of rental of residential buildings or dwelling units.
Comprehensive Plan: Comprehensive plan means a document or interrelated documents containing the elements established under Title 30-A, M.R.S.A. Section 4326, subsection 1 to 4, including the strategies for an implementation program which are consistent with the goals and guidelines established under subchapter II.

Conforming: A building, structure, use of land, or portion thereof, which complies with all the provisions of this Ordinance.

Congregate Housing: Residential housing consisting of private apartments and central dining facilities and within which a congregate housing supportive services program serves functionally impaired elderly or disabled occupants; the individuals are unable to live independently yet do not require the constant supervision or intensive health care available at intermediate care or skilled nursing facilities. Congregate housing shall include only those facilities which have been certified by the State of Maine as meeting all certification standards and guidelines for congregate housing facilities as promulgated by the Department of Human Services pursuant to the provisions of Maine State Statutes.

Constructed: Built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, shall be considered a part of construction.

Demolition/Waste Disposal: A facility including a landfill operated by a public, quasi-public or private entity which purpose is to dispose of useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitation to, rubbish, garbage, scrap materials, junk, refuse, inert fill material, landscape refuse, and demolition debris. The definition does not, however, include commercial hazardous waste disposal facilities or recycling of products.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

Development: Any manmade changes to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

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 psychologist as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

District: A specified portion of the municipality, delineated on the Official Land Management District Map within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Duplex: A building containing only two dwelling units for occupation by not more than two families.

Dwelling: Any building or structure or portion thereof designed or used for residential purposes.

1. Single-family Dwelling: Any structure containing only one dwelling unit for occupation by not more than one family.

2. Multi-family Dwelling: A building containing three or more dwelling units such buildings being designed exclusively for residential use and occupancy by three or more families living independently of one another with the number of families not exceeding the number of dwelling units.
Dwelling Unit: A room or suite of rooms used by a family as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities.

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.

Filling: Depositing or dumping any matter on or into the ground or water.

Flag: Any fabric, banner or bunting containing distinctive colors, patterns, or symbols, used as symbol of a government, political subdivision or other entity.

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.

Foundation: The supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts, or frost walls.

Freestanding Sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that is independent from any building or other structure.

Frontage, Road: The linear distance between the sidelines of a lot measured along the lot line that borders upon whatever right-of-way serves as legal access to the lot.

Garage: An accessory building, or part of a principal building, including a car port, used primarily for the storage of motor vehicles as an accessory use.

Gasoline Service Station: Any place of business at which gasoline, other motor fuels or motor oil are sold to the public for use in a motor vehicle, regardless of any other business on the premises.

Government Office: A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, convention and entertainment facilities owned and/or operated by a governmental agency.

Gravel Pit: See mineral extraction.

Group Home: A housing facility for mentally handicapped or developmentally disabled persons which is approved, authorized, certified or licensed by the State. A group home may include a community living facility, foster home or intermediate care facility.

Height of a Structure: The vertical distance between the mean grade within the building footprint and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

Home Occupation: An occupation or business activity which results in a product or service and is conducted in whole or in part in the dwelling unit or accessory structure.
Hospital: An institution providing, but not limited to, overnight health services, primarily for inpatients, and medical or surgical care for the sick or injured including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central services facilities, and staff offices.

Hotel/Motel: A commercial building or group of buildings built to accommodate for a fee travelers and other transient guests who are staying for a limited duration with sleeping rooms without cooking facilities, each rental unit having its own private bathroom and its own separate entrance leading either to the outdoors or to a common corridor or hallway. A hotel may include restaurant facilities where food is prepared and meals served to its guests and other customers.

Impervious Surface Ratio: A measure of the intensity of land uses that is determined by dividing the total area of all impervious surfaces on the site by the area of the lot. For the purpose of this ordinance, impervious surfaces include buildings, structures, paved and gravel surfaces.

Industrial Use, Heavy: The use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations.

Industrial Use, Light: The use of real estate, building or structure, or any portion thereof, which main processes involve the assembly of prefabricated parts and which will not create a nuisance by noise, smoke, vibration, odor or appearance.

Junkyard: A visible yard, field or other area used as place for storage and/or sale of the following:

1. discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
2. discarded, scrap and junked lumber; and
3. old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.

Kennel: An establishment in which more than four dogs or four cats are sold, housed, bred, boarded or trained for a fee.

Light Manufacturing: A use engaged in the manufacture, predominantly only from previously prepared materials, of finished products or parts, processing, fabrication, assembly, packaging, incidental storage, sales and distribution of such products.

Lot: An area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the County Registry of Deeds.

Lot Area: The total horizontal area within the lot lines.

Lot, Corner: A lot at least two contiguous sides abutting upon a street or right-of-way.

Lot Coverage: The percentage of a lot covered by all buildings, parking areas and impervious services.

Lot Lines: The lines bounding a lot as defined below:

1. **Front Lot Line:** Interior lots: the line separating the lot from a street or right-of-way. Corner lot or through lot; the line separating the lot from either street or right-of-way.
2. **Rear Lot Line:** The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line at least dimension.
3. **Side Lot Line:** Any lot line other than the front lot line or rear lot line.
Lot, Minimum Area: The required lot area within a district for a single use.

Lot of Record: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the Oxford County Registry of Deeds on or before the effective date of this Ordinance.

Lot, Through: Any interior lot having frontages on two more or less parallel streets or rights-of-way or between a street and a body of water, or a right-of-way and a body of water, or between two bodies of water, as distinguished from a corner lot. All sides of through lots adjacent to streets, rights-of-way, and bodies of water shall be considered frontage, and front yards shall be provided as required.

Lot Width: The distance between the side boundaries of the lot measured at the front setback line.

Manufactured Housing/Mobile Home Unit: Structures, transportable in one or two sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein and as otherwise defined in 30-A M.R.S.A. section 4358(1).

Manufacturing: The making of goods and articles by hand or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging or processing operations.

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 exploration shall not include testing for a quarry.

Mineral Extraction: Any operation within any twelve (12) successive month period removes more than 5,000 cubic yards of soil, topsoil, loam, sand, gravel, clay, peat, or other like material from its natural location, and to transport the product removed, away from the extraction site. Mineral extraction shall not include the term quarry.

Minimum Lot Width: The closest distance between the side lot lines of a lot.

Mobile Home Park: A parcel of land under unified ownership approved by the Town of Mexico Planning Board pursuant to the Town of Mexico Subdivision Ordinance.

Mobile Home Park Lot: Mobile home park lot means the area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home.

Neighborhood "Convenience" Stores: A store of less than 1,500 square feet of floor space intended to service the convenience of a residential neighborhood primarily with the sale of merchandise including such items as, but not limited to, basic foods, newspapers, emergency home repair articles, and other household items.

New Construction: Structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by a community.

Nonconforming 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.

Nonconforming 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.
Nonconforming Use: Use of buildings, structures, premises, land or parts thereof which is not permitted in the
district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time
this Ordinance or subsequent amendments took effect.

Nonhabitated Accessory Structure: A structure which is incidental and subordinate to the principal use or
structure which is not considered a dwelling unit.

Nursing Home: A privately operated establishment where maintenance and personal or nursing care is provided
for persons who are unable to care for themselves.

Parks and Recreation: Noncommercially operated recreation facilities open to the general public including,
but not limited to, playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat
launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with
any necessary accessory facilities, restrooms, bath houses and the maintenance of such land and facilities. The
term shall not include campgrounds or commercial recreation and amusement centers.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind,
suspended from a rope, wire or string usually in series, designed to move in the wind.

Permitted Use: Uses which are listed as permitted uses in the various districts set forth in this Ordinance. The
term shall not include prohibited uses.

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.

Planning Board: The planning board of the Town of Mexico.

Principal Structure: A building other than one which is used for purposes incidental or accessory to the use of
another building or use on the same premises.

Principal Use: A use other than one which is incidental or accessory to another use on the same premises.

Privately-Owned Street: A residential street meeting the standards contained in Section VI.H. of the Town of
Mexico Street Standards Ordinance not including a street serving a mobile home park which is not intended to
be dedicated as a public way.

Projecting Sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than
six inches beyond the surface of such building or wall.

Public and Private Schools: Primary and secondary schools, or parochial schools, which satisfy either of the
following requirements: the school is not operated for a profit or as a gainful business; or the school teaches
courses of study which are sufficient to qualify attendance in compliance with state compulsory education
requirements.

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.

Public Utility: Any person, firm, corporation, municipal department, board or commission authorized to furnish
gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

Quarry: A place where stone is excavated from rock.

Reconstructed: The rebuilding of a road or section of a road to improve its serviceability.

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.

Repair: to take necessary action to fix normal damage or storm damage.
Residential Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

Restaurant: An establishment where meals are prepared and served to the public for consumption on the premises entirely within a completely enclosed building; and where no food or beverages are served directly to occupants of motor vehicles or directly to pedestrian traffic from an exterior service opening or counter, or any combination of the foregoing; and where customers are not permitted or encouraged by the design of the physical facilities, by advertising, or by the servicing or packaging procedures, to take-out food or beverage for consumption outside the enclosed building.

Retail Business: A business establishment engaged in the sale, rental or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.

Right-of-way: All public or private roads and streets, state and federal highways, private ways (now called public easements), and public land reservations for the purpose of public access, including utility rights-of-way.

Road: Public and private ways such as highways, streets and other rights-of-ways, as well as areas on a subdivision plans designated as rights-of-ways for vehicular access, other than driveways, farm roads or logging roads.

Roof Sign: Any sign erected and constructed wholly on and over the roof a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Sand and Gravel Pit: See mineral extraction.

Service Business: Establishments engaged in providing services for individuals and businesses such as laundries, beauty shops, barbershop, advertising and equipment leasing.

Setback: The minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps and railings.

Shopping Center: Any concentration of two or more retail stores or service establishments under one ownership or management containing 15,000 square feet or more of gross floor space.

Shoreland Area: 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 75 feet of a stream; or within 250 feet of the upland edge of a freshwater wetland.

Sign: Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind of the public.

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes.

Substantial 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.
**Subsurface Sewage Disposal System:** A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 M.R.S.A. Section 414, any surface wastewater disposal system licensed under 38 M.R.S.A. Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 M.R.S.A. Chapter 13, subchapter 1.

**Suspended Sign:** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**Temporary Movable Sign:** Any sign not permanently attached to the ground, a building, or other permanent structure by direct attachment to a rigid well, frame or structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; and balloons used as signs.

**Timber Harvesting:** The cutting and removal of trees from their growing site, and the attendant operation of culling and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

**Trucking/Distribution Terminal:** An establishment primarily engaged in furnishing trucking or transfer services with or without storage.

**Undue Hardship:** As used in the code, the words "undue hardship" shall mean all of the following:

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

A variance is not justified unless all elements are present in the case.

**Use:** The manner in which land or a structure is arranged, designed or intended, or is occupied.

**Variance:** A relaxation of the terms of this code where such relaxation will not be contrary to the public interest where, owing to conditions peculiar to the property, and not the result of the actions of the applicants, a literal enforcement of the code would result in undue hardship.

**Vegetation:** All live trees, shrubs, ground cover, and other plants including, without limitation, trees both over and under 4 inches in diameter, measured at 4 \( \frac{1}{2} \) above ground level.

**Veterinary Hospital or Clinic:** A building used for the diagnosis, care and treatment of ailing or injured animals which may include overnight accommodations. The overnight boarding of healthy animals shall be considered a kennel.

**Wall Sign:** Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

**Warehousing/Storage:** The storage of goods, wares and merchandise in a warehouse.
**Window Sign:** Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**Wholesale Business:** The use of land and/or buildings engaged in the selling of merchandise to retailers to industry, commercial, institutional, farm or professional business users or other wholesalers as distinguish from the sale to the general public.

**Water Body:** Any great pond, river, stream.
1. Amend Section 10.F, Table of Land Uses as follows:

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>I</th>
<th>C-I</th>
<th>C-II</th>
<th>DC</th>
<th>R-I</th>
<th>R-II</th>
<th>R</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobile Home</td>
<td></td>
<td>CEO</td>
<td>CEO</td>
<td>no</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
</tbody>
</table>

2. Amend Section 15, Definitions, as follows:

**Mobile Home:** A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis to a building site. The term includes any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this definition, two types of mobile home homes are included. Those two types are:

(a) Those units constructed after June 15, 1976, commonly called "newer mobile homes," that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in the traveling mode are (14) body feet or more in width and are seven 750 or more square feet, that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit; and

(b) This term also includes any structure that meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.

**Modular Homes:** Structures that the manufacturer certifies are constructed in compliance with Title 10, Chapter 951, of the Maine Revised Statutes and rules adopted under the chapter, and which are transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained in the units.

3. Amend the Land Management District Map of Mexico, Maine to increase the size of the Downtown Commercial District to Richards Ave. as depicted on the attached map.
xtend Downtown Commercial District
TOWN OF MEXICO

MANDATORY RECYCLING
ORDINANCE

DRAFT JULY 26, 1993
TOWN OF MEXICO
MANDATORY RECYCLING ORDINANCE

1. Title and Purpose: This ordinance shall be known as the TOWN OF MEXICO MAINE SOLID WASTE AND RECYCLING ORDINANCE.

This ordinance has several purposes: to preserve and protect environmental resources, to protect the health, safety and welfare of the public, to provide for efficient and cost effective operation of the waste management facility, and to recover and reuse valuable resources currently being wasted.

2. Scope: This ordinance applies to all residential, institutional, commercial and industrial producers of solid waste in the Town of Mexico.

3. Authority: This ordinance is adopted to the Home Rule powers granted in the Maine Constitution, 30-A, M.R.S.A. Section 3001 et seq. and 30 M.R.S.A. Section 1301 et seq.

4. Definitions: The definitions set forth in 38 M.R.S.A. Section 1303 apply to this ordinance and are incorporated herein. Any word not otherwise defined shall have its ordinary meaning.

5. Recycling Requirements: All solid waste shall have the following materials separated out in a readily manageable form when delivered to the designated waste management facility/facilities.

A. Recyclables
- corrugated cardboard
- newsprint
- HDPE #2 plastic
- tin and steel cans
- glass (clear)
- aluminum (continued)
- high grade paper
- white goods
- steel, copper, brass
- magazines

B. Other waste requiring separation
- tires
- wood

C. Collection and separation priorities reflect the current needs of the facility. The materials may be changed, either by addition or deletion by a majority vote of the Board of Selectmen after public hearing on the changes.

6. Municipal Solid Waste (MSW): This waste must not include any of the items listed in #5 above. General refuse or waste shall be in appropriate containers whenever placed at curbside or delivered to the transfer station or other designated waste disposal area.

7. Recycling Facility: The Town shall provide a facility for collection and storage of recyclable materials, located at a place or places to be designated by the Board of Selectmen.

8. Administration and Enforcement:
   a. The Board of Selectmen, or their duly-appointed agents, shall administer and enforce this ordinance.
   b. The Board of Selectmen shall adopt written regulations governing the solid waste management, which comply with the Northern Oxford Solid Waste Board.
   c. The Board of Selectmen have the further authority to negotiate and contract with any person, corporation, agency, partnership or other entity for the disposal of solid waste or recyclable materials. They may appoint one or more persons to assist them in determining how best to dispose of recyclable materials.
9. **Unacceptable Waste:**

A. The following wastes will not be accepted at the Solid Waste Management Facility:

1. Hazardous waste of any kind including but not limited to, pathological wastes, chemicals, explosives, radioactive materials, other special wastes, toxic wastes, and other wastes as defined by the Department Environmental Protection.

2. Special waste so designated by the Department of Environmental Protection.

3. Septic tank residues.

4. Animal and agricultural wastes such as manure and crop residue.

5. Dead animals or portions thereof.

6. Asbestos.

7. Gasoline tanks, pesticides, hazardous material containers.

8. Large pressurized containers (Over 1 qt.)

9. Liquid or viscous waste other than mentioned in this document.

B. If any such waste is deposited at the solid waste management facility, clean up costs associated with proper disposal shall be borne by the person responsible for the deposition.

C. The Board of Selectmen may approve the acceptance of special wastes upon approval of the DEP to do so.

10. **Scavenging:**

No person shall scavenge or pick from the facility, unless a designated "reusable materials" area has been established.
11. **Violations:**

   a. Dumping of solid waste at locations or sites within the Municipality which have not been designated as an acceptable facility or site by the Town, is a violation of this ordinance and may be penalized as stated in Section 12 of this ordinance.

   b. Any person, firm, partnership, corporation or other entity who fails to separate the materials listed in Section 5 above, from their solid waste shall be denied entry into the Solid Waste Management Facility.

12. **Penalties:**

   a. Violations of this ordinance shall be enforced with the provisions of 30-A M.R.S.A., Section 4452 as land use violations. The penalties set forth in 30-A M.R.S.A., Section 4452 shall apply to violations of this ordinance.

   b. Any person, partnership, charitable organization or corporation who violates this Chapter shall be subject to a civil penalty, payable to the Municipality, of not more than $100.00 for each violation. Each day of a violation shall be considered a separate violation. Such person, partnership, charitable organization or corporation shall also be liable for court costs and reasonable attorney fees incurred by the Town of Mexico.

13. **Incentive:**

   a. No charge will be levied to dispose of properly separated recyclables at the facility.

   b. Note: Because of the rising cost of solid waste management and in an effort to keep down property taxes incurred with disposal of solid waste it is felt that those who chose not to recycle and reduce waste, thereby adding cost of waste management, may be assessed a fee for non-compliance as an incentive to recycle.

14. **Storage of Residential Waste:** Storage shall be the responsibility of the resident. Storage shall be in closed containers or by other similar methods to preclude odors, rodents, insects, and shall keep recyclables clean and dry.
15. **Amendments:** This ordinance may be amended as provided in 30-A M.R.S.A., Section 3004 (4). (Home Rule Municipal Ordinances).

16. **Validity/Separability:** If any provision of this ordinance is found by a court of competent jurisdiction to be unenforceable, the remaining provisions shall continue in full force and effect.

17. **Effective Date:** This ordinance shall become effective when adopted by a majority of the voters at any regular or special town meeting.
TOWN OF MEXICO
MASSAGE ESTABLISHMENT ORDINANCE

ARTICLE I
GENERAL PROVISIONS

SECTION 1. PURPOSE.
The purpose of this ordinance is to regulate the operation of massage establishments in order to promote the public health safety and general welfare.

SECTION 2. DEFINITIONS.
For the purpose of this ordinance, the following definitions shall apply unless the context clearly implies otherwise.

DISQUALIFYING CRIMINAL CONVICTIONS: Any conviction for any criminal offense punishable by imprisonment for any period of time, whether or not the sentence was imposed or served, but not including any conviction which is shown to have been set aside on appeal or collaterally, or for which a pardon, certificate of rehabilitation, or the equivalent under the law of the sentencing jurisdiction has been granted, or which is not rationally related to the purpose of licensing massage establishments.

MASSAGE: Massage therapy as defined in section 14301 (3) of chapter 125 of title 32 of the Maine Revised Statutes.

MASSAGE ESTABLISHMENT: Any business, including but not limited to sole proprietorship, in which the business operation consists of providing or making available massage in the town of Mexico for consideration or with the expectation of receiving consideration or any gratuity, whether or not the business has a fixed place of business within the limits of the town.

MASSAGE THERAPIST: Any person who performs massage for consideration or gratuity or with the expectation of receiving consideration or any gratuity.

PATRON: Any person who receives a massage.

PERSON: Any individual, partnership, corporation or other entity.

RECOGNIZED SCHOOL: Any school or institution of learning which has for its purpose the teaching of the theory, method, profession and work of massage and is recognized or certified by the state of Maine or any other state. Schools offering a correspondence course not requiring actual attendance of class, shall not be deemed a recognized school.

SECTION 3. EXEMPTIONS.
The following shall be exempt from this ordinance if duly licensed by and while practicing in accordance with the laws of this state: Physicians and surgeons (medical doctors and doctors of osteopathy), physicians' assistants, nurses, chiropractors, physical therapists, barbers, cosmetologists, beauticians and other health and hygiene professionals.

SECTION 4. MASSAGE TABLES
All massages shall be administered on a massage table, treatment table or treatment mat.

SECTION 5. MAINTENANCE AND CLEANING.
Every person who conducts or operates a massage establishment shall keep the
SAME AT ALL TIMES IN A CLEAN AND SANITARY CONDITION. ALL INSTRUMENTS, SUPPLIES AND DEVICES OF ANY KIND, OR PARTS THEREOF, THAT COME INTO CONTACT WITH THE HUMAN BODY SHALL BE KEPT CLEAN BY A MODERN AND APPROVED METHOD OF CLEANING.

SECTION 6. PROHIBITED ACTIVITIES.

NO MASSAGER SHALL ADMINISTER A MASSAGE TO A PATRON WHOSE GENITALS ARE EXPOSED.

NO MASSAGER SHALL ADMINISTER OR AGREE TO ADMINISTER A PARA-MASSAGE TO THE GENITALS OR ANUS OF PATRON.

NO MASSAGER SHALL ADMINISTER A MASSAGE UNLESS HE/SHE IS FULLY CLOTHED WITH NON-TRANSPARENT CLOTHING OF THE TYPE CUSTOMARILY WORN BY MASSAGE THERAPISTS WHILE ADMINISTERING A MASSAGE.

SECTION 7. CLOSING HOURS.

NO MASSAGE ESTABLISHMENT SHALL BE KEPT OPEN BETWEEN THE HOURS OF 12 MIDNIGHT AND 6:00 A.M.

SECTION 8. SUPERVISION.

AT ALL TIMES WHEN OPEN FOR BUSINESS, A MASSAGE ESTABLISHMENT SHALL HAVE UPON THE PREMISES A LICENSED MASSAGE THERAPIST OR PERSON WHO POSSESS A COMBINATION MASSAGE ESTABLISHMENT/MASSAGER THERAPIST LICENSE WHO SHALL BE AVAILABLE TO SUPERVISE THE OPERATION OF THE ESTABLISHMENT AND ASSURE THAT NO VIOLATIONS OF THIS ORDINANCE OCCUR.

SECTION 9. LIST OF EMPLOYEES.

A MASSAGE ESTABLISHMENT SHALL KEEP A WRITTEN LIST OF THE NAMES AND CURRENT ADDRESSES OF ALL EMPLOYEES, BOTH ON DUTY AND OFF DUTY. SUCH LISTS SHALL BE SHOWN TO THE CHIEF OF POLICE, THE TOWN CLERK OR THE CLERK'S REPRESENTATIVE UPON REQUEST.

ARTICLE II
LICENSES

SECTION 1. LICENSE REQUIRED.

A. MASSAGE ESTABLISHMENT LICENSE: NO PERSON SHALL OPERATE A MASSAGE ESTABLISHMENT WITHOUT FIRST HAVING OBTAINED A VALID MASSAGE ESTABLISHMENT LICENSE ISSUED BY THE TOWN OF MEXICO. A SEPARATE LICENSE SHALL BE REQUIRED FOR EACH MASSAGE ESTABLISHMENT.

B. MASSAGE THERAPIST LICENSE: NO PERSON SHALL WORK AS A MASSAGE THERAPIST WITHOUT A VALID MASSAGE THERAPIST LICENSE OR COMBINED MASSAGE ESTABLISHMENT/MASSAGE THERAPIST LICENSE ISSUED BY THE TOWN OF MEXICO.

C. COMBINED MASSAGE ESTABLISHMENT/MASSAGE THERAPIST LICENSE: A SOLE PRACTITIONER WHO EMPLOYS NO MASSAGE THERAPIST OTHER THAN HIMSELF/HERSELF MAY APPLY FOR A COMBINED MASSAGE ESTABLISHMENT/MASSAGE THERAPIST LICENSE IN LIEU OF BOTH MASSAGE ESTABLISHMENT LICENSE AND A MASSAGE THERAPIST LICENSE.

D. CONDITIONAL MASSAGE THERAPIST LICENSE: FOR THE PURPOSE OF ALLOWING AN APPLICANT FOR A LICENSE PURSUANT TO ARTICLE II, SECTION 1.B OR II SECTION 1.C WHO IS OTHERWISE QUALIFIED TO OBTAIN SUCH A LICENSE, EXCEPT FOR COMPLIANCE WITH ARTICLE II.6, TO COMPLY WITH ARTICLE II.6, A CONDITIONAL MASSAGE THERAPIST LICENSE MAY BE ISSUED UNDER THE FOLLOWING CONDITIONS:
1. ALL PROVISIONS OF ARTICLE II SHALL APPLY TO A LICENSEE UNDER THIS SECTION, EXCEPT SECTION 6.

2. LICENSEE UNDER THIS SECTION SHALL DESIGNATE ONE MASSAGE THERAPIST OR COMBINED MASSAGE ESTABLISHMENT/MASSAGE THERAPIST LICENSED BY THE TOWN OF MEXICO AS THE SUPERVISOR FOR LICENSEE.

3. LICENSEE UNDER THIS SECTION MAY DESIGNATE NO MORE THAN ONE LICENSED SUPERVISOR PURSUANT TO ARTICLE II SECTION 1, D2 UNLESS SAID LICENSED SUPERVISOR SHALL VOLUNTARILY SURRENDER HIS/HER LICENSE.

4. THE DESIGNATED LICENSED SUPERVISOR MAY SUPERVISE TWO (2) OR FEWER CONDITIONAL MASSAGE THERAPISTS PER LICENSE YEAR.

5. LICENSES ISSUED PURSUANT TO THIS SUBSECTION D MAY NOT BE RENEWED.

SECTION 2. LICENSES DISPLAYED.
A VALID MASSAGE ESTABLISHMENT LICENSE SHALL BE DISPLAYED AT ALL TIMES IN AN OPEN AND CONSPICUOUS PLACE IN THE MASSAGE ESTABLISHMENT FOR WHICH IT WAS ISSUED. A VALID CONDITIONAL MASSAGE THERAPIST LICENSE, MASSAGE THERAPIST LICENSE OR COMBINED MASSAGE ESTABLISHMENT/MASSAGE THERAPIST LICENSE MUST BE READILY AVAILABLE TO BE PRODUCED IMMEDIATELY IF DEMANDED OF THE LICENSE.

SECTION 3. STANDARDS FOR DENIAL.
A LICENSE APPLICATION UNDER THIS ORDINANCE SHALL BE DENIED TO ANY OF THE FOLLOWING PERSONS:
A. MASSAGE ESTABLISHMENT LICENSE:
   1. A CORPORATION NOT REGISTERED TO DO BUSINESS IN THIS STATE;
   2. A CORPORATION IF ANY PRINCIPAL OFFICER THEREOF OR ANY PERSON HAVING AN ACTUAL OWNERSHIP INTEREST OR MANAGEMENT AUTHORITY THEREIN HAS A DISQUALIFYING CRIMINAL CONVICTION WITHIN THE IMMEDIATELY PRECEDING FIVE (5) YEARS; OR
   3. AN APPLICANT OTHER THAN A CORPORATION IF SUCH APPLICANT OR ANY PERSON HAVING AN ACTUAL OWNERSHIP INTEREST OR MANAGEMENT AUTHORITY THEREIN HAS A DISQUALIFYING CRIMINAL CONVICTION, WITHIN THE IMMEDIATELY PRECEDING FIVE (5) YEARS.
B. MASSAGE THERAPIST, COMBINED MASSAGE ESTABLISHMENT/MASSAGE THERAPIST, OR CONDITIONAL MASSAGE THERAPIST:
   1. THE APPLICANT HAD A DISQUALIFYING CRIMINAL CONVICTION AT ANY TIME DURING THE FIVE (5) YEARS IMMEDIATELY PRECEDING APPLICATION; OR
   2. THE APPLICANT IS NOT AT LEAST EIGHTEEN (18) YEARS OF AGE.

THE BOARD OF SELECTMEN SHALL MAKE AND THE TOWN CLERK SHALL KEEP A WRITTEN RECORD OF EACH DECISION TO DENY AN APPLICATION FOR ANY LICENSE UNDER THIS ORDINANCE.

SECTION 4. GROUNDS FOR SUSPENSION OR REVOCATION.
A. ALL LICENSES: ANY LICENSE MAY BE SUSPENDED OR REVOKED UPON A DETERMINATION THAT THE LICENSEE:
1. FAILED TO NOTIFY THE CLERK OF ANY CHANGE IN MATERIAL FACTS SET FORTH IN THE APPLICATION FOR SUCH LICENSE; OR

2. VIOLATED ANY PROVISION OF THIS ORDINANCE OR OF ANY OTHER ORDINANCE OF THE TOWN OF MEXICO.

B. MASSAGE ESTABLISHMENT OR COMBINED ESTABLISHMENT/MASSAGE THERAPIST LICENSE:

IN ADDITION TO THE PROVISIONS OF SUB-SECTION (A), EITHER A MASSAGE ESTABLISHMENT LICENSE OR COMBINED MASSAGE ESTABLISHMENT/MASSAGE THERAPIST LICENSE MAY BE SUSPENDED OR REVOKED UPON A DETERMINATION THAT THE LICENSEE;

1. PERMITTED ANY PERSON TO PERFORM A MASSAGE WITHOUT A VALID LICENSE TO DO SO;

2. PERMITTED OR ALLOWED AN EMPLOYEE OR MASSAGE THERAPIST TO VIOLATE ANY PROVISIONS OF THIS ORDINANCE ON THE PREMISES OF THE ESTABLISHMENT OR IN THE COURSE OF CONDUCT OF THE BUSINESS OF THE MASSAGE ESTABLISHMENT; OR

3. KNOWINGLY PERMITTED ANY VIOLATION OF TITLE 17-A, M.R.S.A., SECTIONS 851 AND 855. SUCH KNOWLEDGE SHALL BE PRESUMED IF THERE HAVE BEEN TWO (2) OR MORE CONVICTIONS FOR ANY SUCH OFFENSE WITHIN ANY ONE-YEAR PERIOD. THE APPLICANT OR LICENSEE MAY REBUT SAID PRESUMPTION BY SHOWING THAT (i) DUE DILIGENCE WAS EXERCISED TO PREVENT THE RECURRENCE OF ANY SUCH OFFENSE AND (ii) DESPITE SUCH DILIGENCE, HE OR SHE DID NOT KNOW AND COULD NOT REASONABLY HAVE KNOW OF ANY SUBSEQUENT OFFENSE.

SECTION 5. APPLICATION FOR MASSAGE ESTABLISHMENT, COMBINED MASSAGE ESTABLISHMENT/MASSAGE THERAPIST AND MASSAGE THERAPIST LICENSE.

ANY PERSONS DESIRING A LICENSE PURSUANT TO THIS ORDINANCE SHALL FILE A WRITTEN, SIGNED APPLICATION WITH THE TOWN CLERK ON A FORM TO BE FURNISHED BY THE CLERK. AN APPLICATION FOR A COMBINED MASSAGE ESTABLISHMENT/MASSAGE THERAPIST LICENSE OR FOR A CONDITIONAL MASSAGE THERAPIST'S LICENSE SHALL BE ACCOMPANIED BY TWO FRONT FACE PHOTOGRAPHS OF THE APPLICANT TAKEN WITH THIRTY (30) DAYS OF THE APPLICATION, OF SUCH SIZE AS THE CLERK MAY SPECIFY.

SECTION 6. BASIC PROFICIENCY.

EACH APPLICANT FOR A MASSAGE THERAPIST LICENSE OR COMBINED MASSAGE ESTABLISHMENT/MASSAGE THERAPIST LICENSE SHALL SHOW PROOF OF BASIC PROFICIENCY IN THE FIELD OF MASSAGE THERAPY WHICH MAY BE SATISFIED BY:

A. EVIDENCE OF COMPLETION OF A FORMAL TRAINING COURSE IN MASSAGE THERAPY GIVEN BY A RECOGNIZED SCHOOL;

B. EVIDENCE OF ONE HUNDRED (100) HOURS OF ON-THE-JOB TRAINING IN MASSAGE PERFORMED IN THE PRESENCE OF A PERSON HOLDING A VALID MASSAGE THERAPIST OR A COMBINED MASSAGE ESTABLISHMENT/MASSAGE THERAPIST LICENSE ISSUED BY THE TOWN OF MEXICO;

C. EVIDENCE OF CONTINUOUS PRACTICE AS A MASSAGE THERAPIST FOR AT LEAST ONE (1) YEAR, ACCOMPANIED BY THE WRITTEN RECOMMENDATION OF AT LEAST FIVE (5) PERSONS HOLDING A VALID MASSAGE THERAPY LICENSE OR A COMBINED MASSAGE ESTABLISHMENT/MASSAGE LICENSE ISSUED BY THE TOWN OF MEXICO, WHICH SHALL STATE THAT SAID PERSON HAS PERSONALLY RECEIVED A MASSAGE FROM THE APPLICANT THAT WAS ADMINISTERED IN A SKILLED AND PROFESSIONAL MANNER; OR
D. EVIDENCE OF SUCCESSFUL COMPLETION OF A CERTIFYING EXAM GIVEN BY ANOTHER MUNICIPALITY OR STATE, OR THE CERTIFYING EXAM GIVEN BY AMERICAN MASSAGE THERAPY ASSOCIATION.

SECTION 7. OBTAINING LICENSE BY FRAUD.
A. NO PERSON SHALL MAKE ANY FALSE, UNTRUTHFUL OR FRAUDULENT STATEMENTS, EITHER WRITTEN OR ORAL, OR IN ANY WAY CONCEAL ANY MATERIAL FACT, OR GIVE OR USE ANY FICTITIOUS NAME IN ORDER TO SECURE OR AID IN SECURING A LICENSE REQUIRED BY THIS ORDINANCE. ALL NAMES, INCLUDING BUT NOT LIMITED TO MAIDEN NAME, EVER USED BY THE APPLICANT MUST BE NOTED ON THE APPLICATION.

B. ANY LICENSE SECURED BY FRAUD, DECEIT OR CONCEALMENT SHALL BE DEEMED TO BE NULL AND VOID.

SECTION 8. USE OF LICENSE.
NO PERSON SHALL MAKE USE OF, IN ANY MANNER, TO HIS OR HER OWN OR ANOTHER’S BENEFIT, ANY LICENSE WHICH HAS NOT BEEN DULY ISSUED TO HIM OR HER IN ACCORDANCE WITH THIS ORDINANCE.

SECTION 9. COMPLIANCE OF EXISTING THERAPISTS AND MASSAGE ESTABLISHMENTS.
ANY PERSON PRESENTLY OPERATING AS A MASSAGE THERAPIST AND/OR OPERATING A MASSAGE ESTABLISHMENT IN MEXICO ON THE EFFECTIVE DATE OF THIS ORDINANCE SHALL COMPLY WITH THE TERMS OF THIS ORDINANCE BY OBTAINING A LICENSE WITHIN THREE (3) MONTHS OF THE EFFECTIVE DATE.

SECTION 10. SEVERABILITY.
IN THE EVENT THAT ANY SECTION, SUB-SECTION, OR ANY PORTION OF THIS ORDINANCE SHALL BE DECLARED BY ANY COMPETENT COURT TO BE INVALID FOR ANY REASON, SUCH DECLARATION SHALL NOT BE DEEMED TO AFFECT THE VALIDITY OF ANY OTHER SECTION, SUB-SECTION OR PORTION OF THIS ORDINANCE.

SECTION 11. PENALTY.
THE VIOLATION OF ANY PROVISION OF THIS ORDINANCE SHALL BE PUNISHED BY A FINE OF NOT LESS THAN TWO HUNDRED FIFTY ($250.00) DOLLARS NOR MORE THAN FIVE HUNDRED ($500.00) DOLLARS FOR EACH OFFENSE. EACH ACT OF VIOLATION AND EVERY DAY UPON WHICH ANY SUCH VIOLATION OCCURS SHALL CONSTITUTE A SEPARATE OFFENSE. IN ADDITION TO SUCH PENALTY, THE TOWN MAY ENJOIN OR ABATE ANY VIOLATION OF THIS ORDINANCE BY APPROPRIATE ACTION.

SECTION 12. TERM OF LICENSE.
LICENSES ISSUED PURSUANT TO THIS ORDINANCE SHALL BE FOR A TERM OF NO MORE THAN ONE YEAR AND SHALL EXPIRE ANNUALLY ON SEPTEMBER 30TH.

SECTION 13. APPLICATION FEES.
THE FOLLOWING FEES SHALL BE ESTABLISHED FOR THE LICENSES ISSUED UNDER THIS ORDINANCE:

1. MASSAGE ESTABLISHMENT LICENSE $ 50.00
2. MASSAGE THERAPIST LICENSE 25.00
3. COMBINED MASSAGE ESTABLISHMENT/MASSAGE THERAPIST 30.00
4. CONDITIONAL MASSAGE THERAPIST 25.00

**THE FOREGOING FEES ARE PAYABLE AT THE TIME OF APPLICATION AND ARE NON-REFUNDABLE.**
SECTION 14. APPLICABILITY TO PENDING APPLICATIONS.
NOTWITHSTANDING ANYTHING TO THE CONTRARY IN TITLE 1 M.R.S.A. SECTION 302, THE
PROVISIONS OF THIS ORDINANCE SHALL APPLY TO ANY APPLICATION OR REQUEST TO OPERATE
A PARA-MASSAGE ESTABLISHMENT PREVIOUSLY SUBMITTED TO THE TOWN OF MEXICO OR TO
ANY OF ITS OFFICERS OR EMPLOYEES.

ADOPTED: 6/7/99

ARTHUR BORDEAU, CHAIRMAN

ROLAND ARSENAULT

LOUISE WATERHOUSE

ROBERT LYONS

BRIAN ELLIOTT
SELECTMEN, TOWN OF MEXICO
TOWN OF MEXICO
MOBILE HOME PARK AND MOBILE HOME ORDINANCE

SECTION 1 – Purpose

To ensure the orderly development of mobile home parks, to insure that all mobile homes in a park or a stand-alone mobile home on an individual lot, meet plumbing, heating and electrical codes to insure the health, safety and general welfare of the residents of the Town of Mexico. These standards shall apply to all development proposals for new mobile home parks, to any expansion of existing mobile home parks and to any new stand-alone mobile home on an individual lot.

SECTION 2 – Authority and Effective Date

1. This ordinance is adopted pursuant to the Maine’s New Mobile Homes Park Law, Title 30-A M.R.S.A. Section 4358.
2. This Ordinance shall be known and may be cited as the “Mobile Home Park and Mobile Home Ordinance.”
3. The effective date of this Ordinance shall be upon adoption by the legislative body.

SECTION 3 - Administration

1. The Planning Board of the Town of Mexico shall administer this ordinance with the assistance of the Code Enforcement Officer.

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

SECTION 4 - Mobile Home Parks

A. Lot size, Width and Density

Lots in a mobile home park shall meet the following minimum lot size, width and density requirements. Minimum requirements shall be based on Title 30-A M.R.S.A. Section 4358.

1. Lots served by individual subsurface sewage disposal system.
   - Minimum lot area – 20,000 square feet
   - Minimum lot width – 100 feet
2. Lots served by a central subsurface wastewater disposal system.
   - Minimum lot area – 16,000 square feet
   - Minimum lot width – 100 feet

3. The overall density of a mobile home park served by a central subsurface wastewater disposal system shall be no greater than one unit per 20,000 square feet of total park area. The overall density shall be computed using the combined area of its mobile home lots plus:
   a. The area required for street right-of-ways; and
   b. The area required for buffer strips, if any.

4. Where lots front on a curved right-of-way or are served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the setback line.

5. Lots within the area regulated by the Shoreland Zoning Ordinance, Town of Mexico shall meet the lot area, and lot width and setback and shore frontage requirements set forth in the Ordinance.

B. Lot Setbacks - Internal Road

1. The following lot setbacks shall apply to the manufactured housing units and accessory buildings:

   Front setback - thirty-five (35) feet from centerline of a park road
   - Side setback - twenty-five (25) feet
   - Rear setback - twenty (20) feet
   Setbacks from Town or State maintained streets shall comply with the regulation of either the Town of Mexico or the State of Maine whichever is more restrictive.

2. Carports of non-combustible materials are not subject to side setback requirements.

3. The Planning Board may allow lot side yard setbacks to be reduced to five (5) feet provided a distance of thirty (30) feet is maintained between manufactured housing units for the purpose of providing more usable yard space on one side of the home.

C. Lot Coverage

All buildings on the lot, including accessory buildings and structures, but excluding open decks and parking spaces, shall not cover more than fifty
(50) percent of the lot area.

D. Buffer Strips

1. A fifty (50) foot wide buffer strip shall be provided along all property boundaries that abut residential land and/or public ways.

2. Within twenty (20) feet of any property line and within the buffer strip, visual screening and or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and/or undisturbed natural existing vegetation. This screening shall effectively screen at least fifty (50) percent of the homes from view from the adjacent property and/or public way.

3. Utilities may cross a buffer strip to provide services to the park.

E. Parking

For each mobile home lot, there shall be provided and maintained at least two (2) off-street parking spaces.

F. Street Standards

1. Streets in a mobile home park shall meet the following standards:

A. Private Streets: Privately-owned streets within the mobile home park shall be designed by a professional engineer who is registered in the State of Maine, and shall be built according to accepted engineering standards, and shall comply with current standards adopted by the Maine Manufactured Housing Board, and the Town of Mexico Street Standard Ordinance.

B. Streets for Public Acceptance: Streets within the mobile home parks that are to be offered for acceptance by the Town of Mexico shall meet the minimum street acceptance standards for public streets as required in the Town of Mexico’s Ordinance.

C. No mobile home lot may have vehicular access directly onto an existing public street, unless a new street is constructed to town standards to serve the mobile home park and accepted as a public street.

2. Right-of-way and pavement width

A. Two-way park streets shall have a minimum right-of-way of twenty-three (23) feet and a minimum travel way of twenty (20) feet. On-street parking shall be prohibited.
B. One-way streets shall have a minimum right-of-way of eighteen (18) feet and minimum travel way surface of fourteen (14) feet. On-street parking shall be prohibited.

C. Parking lanes, if provided, shall be a minimum of eight (8) feet in width.

G. Foundation

1. All mobile homes shall be placed on a permanent foundation. Permanent foundation means any of the following:

   A. A full, poured concrete or masonry foundation with embedded anchor ties.

   B. An asphalt pad 4" or more thick after compaction.

   C. A reinforced, floating concrete pad for which the municipality may require an Engineer’s certification if it is to be placed on soil with high frost susceptibility.

   D. All pads shall be placed on 12" of compacted gravel.

   E. All mobile homes shall be securely anchored to the foundation.

H. Utility Requirements

All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each home in accordance with applicable state and local rules and regulations.

I. Refuse Disposal

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

J. Skirting

The area between the ground or stand and the bottom of the unit shall be fully enclosed by skirting. This skirting shall provide for access and adequate ventilation of the space under the unit and be anchored at the bottom every 18". This skirting may consist of one of the following materials:

1. Approved vinyl or metal mobile home skirting; or
2. A poured concrete wall; or
3. A mortared or loose laid masonry wall; or
4. Painted wood or similar materials.

K. Roof

All roofs need to be pitched and shingled. A pitched roof needs to be 2 or more vertical units for every 12 horizontal units of measurement and which is covered with standard approved roofing material.

L. Conversion; Restrictions

No subdivision that has been approved as a mobile home park may be converted to another use without the approval of the Planning Board, and shall meet the appropriate lot size, lot width, setback and other requirements. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval.

1. The land within the park shall remain in the unified ownership and the fee to lots or portions of lots shall not be transferred.

2. No dwelling unit other than a manufactured housing unit shall be located within the park.

M. Miscellaneous

All mobile homes brought in to the Town of Mexico or relocated within the town, that were manufactured prior to 1985 must meet the current minimum HUD, State and Town requirements for all plumbing, heating and electrical codes and means of egress. These requirements will be enforced by the Code Enforcement Officer. This rule applies to all mobile homes either in a mobile home park or a stand-alone on an individual lot. All mobile homes set up on individual lots need to meet the minimum lot size requirements.

SECTION 5 - Mobile Homes

On and after the effective date of this Ordinance, for any stand-alone mobile home erected on an individual lot, the following shall apply:

1. The applicable provisions of Section 4 of this Ordinance, as well as all other rules and regulations of the Town of Mexico that pertain to the placement of a home dwelling on an individual lot.

SECTION 6 - Definitions

1. Mobile Home
Mobile Home means a structured unit designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning, or electrical systems contained in the unit. This term "newer mobile homes" also includes any structure which meets all the requirements of this paragraph, except in the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 401, et. seq.

2. Mobile Home Park

Mobile Home Park means a parcel of land under unified ownership approved by the Town of Mexico for the placement of 3 or more mobile homes.

SECTION 7 – Enforcement

A. The Code Enforcement Officer shall act in all cases of violations of this Ordinance by notifying, in writing, the owner or lessor of the development and the Selectmen of the nature of the violation and the correction of the same, if possible. Said notification shall be deemed to have been made when sent to the owner or lessor by certified mail.

B. The Selectmen are charged with the prosecution for all violations of the provisions of the Ordinance. In cases where such notices referred to in Paragraph VIII A, above, are not promptly complied with after receipt of said notices, the Selectmen shall make such complaints to the courts as, in their judgment, are proper, or may institute such actions or proceedings at law or in equity as are proper to restrain, correct, remove or punish such violations.

C. Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof, shall be fined not less than $100.00 nor more than $2,500.00 as provided by State law. Each day on which the violation shall continue shall constitute a separate offense.

SECTION 8 – Appeals and Severability

A. Appeals
An aggrieved party may appeal the provisions of this Ordinance to Superior Court under Rule 80-B of the Maine Rules of Civil Procedure.

B. 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.

Date adopted: November 5, 2013
Attest: Penny S. Duguay, Town Clerk
TOWN OF MEXICO
MOTOR VEHICLE FOR HIRE ORDINANCE

ADOPTED: JUNE 14, 2016

Section 1.0 This article shall be known as the Town of Mexico “Motor Vehicle for Hire.”

Section 1.1 License Required. Effective March 07, 1960, it shall be unlawful for any person, firm, or corporation to engage in the business of carrying passengers for hire without first obtaining an applicable license therefore from the board of selectpersons. This section shall not apply to vehicles under the jurisdiction of the Public Utilities Commission.

Section 2.0 Issuance of License. Licenses issued under the provision of Section 1.1 hereof shall be for the calendar year but such licenses shall be subject to revocation by the selectpersons for failure by the licensee, his agents or servants, to comply with the rules and regulations of the selectpersons. No license shall be issued to any person to drive who (a) is in violation of this ordinance (b) is a registered sex offender or has been convicted of a Class A felony, or (c) has convictions for the following periods of time immediately preceding their application:

<table>
<thead>
<tr>
<th>TEN YEARS</th>
<th>FIVE YEARS</th>
<th>THREE YEARS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class B or C Felonies</td>
<td>Assault</td>
<td>Driving to Endanger</td>
</tr>
<tr>
<td>Misdemeanor Sexual Assault</td>
<td>Operating Under Influence</td>
<td>Operating After Suspension</td>
</tr>
<tr>
<td>Habitual Offender</td>
<td>Three moving motor vehicle violations per 29-A M.R.S.A. ,Chapter 19</td>
<td></td>
</tr>
</tbody>
</table>

It is the responsibility of any owner of a taxi cab service applying for a license to make certain that no person hired to drive is in violation of the offenses in this section. An owner’s license shall be revoked by the selectpersons of a person or entity which subsequently hires an individual with any unpardoned offenses listed in this section after being notified in writing by the town manager or chief of police that an individual hired by said person or entity as such an offense and fails to take corrective action within fifteen (15) days of such written notification. The board of selectpersons is hereby directed and authorized to promulgate rules and regulations governing the operation of said vehicle, fares be charged in the amount of the fee for such licenses. No license shall be issued unless: the applicant furnishes proof of liability coverage on all vehicles to be used under such license; drivers are qualified under the terms of this ordinance; owners and drivers are properly insured; and motor vehicles are properly registered. Upon compliance with the requirements of this ordinance, the owner of the taxi cab service shall be issued an owner’s license. Upon compliance with all terms of this ordinance, a driver shall be issued an appropriate license. All owners of any taxi cab service are required to comply with all state laws respecting smoking.
Section 3.0 Display of License. Drivers while on duty are required to display their valid driver's licenses in the vehicles so that passengers can view their valid licenses. In addition, a copy of the valid Town license of the person or entity permitted to engage in the business of carrying passengers for hire shall be on display in the vehicles being used for said business and are available on request.

Section 4.0 Number of Passengers Permitted. The number of passengers carried by a taxi cab at any time shall not exceed seating capacity of vehicle.

Section 5.0 Fines for Noncompliance. Any person, firm, limited liability company, corporation or other entity which operates a business of carrying passengers for hire in violation of this ordinance shall be subject to a fine of $100 per day from the date of occurrence of any violation.

Signed:

Richard Philbrick, Chairman

A. Byron Ouellette, Vice Chairman

Jack Gaudet

Mexico Board of Selectmen
Date: Adopted 6/14/2016

Attested: Penny S. Duguay, Town Clerk
Final recommendation of the Recall Study Group

Town of Mexico

Ordinance for the Recall of Elected Municipal Officials

Section 1) Title:

This ordinance shall be known as the “Town of Mexico Recall Ordinance”.

Section 2) Establishment:

Under MRSA title 30-A, section 2602 (6), amended October 13, 1993, a town may enact an ordinance for the recall and removal of elected municipal officials with the exception of school board members as noted in MRSA title 30-A, Section 2602.

Section 3) Purpose and Authority:

The purpose of this ordinance is to provide the means and method by which citizens of the Town of Mexico may seek the removal from office of a Town of Mexico elected official. Any elected official, with the exception of school board members, may be recalled and removed from office by the qualified voters of the town as herein provided. Recall is intended to be used when, in the opinion of the number of voters hereinafter specified, an elected official acting as such, has caused a loss of confidence in the official’s judgment or ability to perform the duties and responsibilities of the office. An elected official may also be the subject of a recall petition pursuant to MRSA title 30-A, Section 2505 when the official is convicted of a crime, the conduct of which occurred during the official’s term of office and the victim of which is the Town of Mexico. This ordinance is enacted pursuant to MRSA title 30-A, sections; 2528, 2602, 3001 and 3002.

Section 4) Validity and Severability:

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

Section 5) Effective Date:

The effective date of this ordinance shall be the date of the adoption by the legislative body.

Section 6) Procedure:

1. Petition for recall. On a written petition pursuant to subsection 5 of a number of voters equal to at least 10% of the number of votes cast in the Town of Mexico at the last gubernatorial election, an election must be held to determine the recall of an elected official of the Town of Mexico.
2. **Notice of intention.** In order to initiate a recall election under subsection 1, the initiator of the petition shall file a notice of intention of recall with the town clerk (or deputy town clerk if the town clerk is subject to the recall) of the Town of Mexico. A notice of intention of recall under this subsection must include the name, address and contact information of the person filing the notice and the name and position of the official subject to recall under this section. Only a person registered to vote in the Town of Mexico may file a notice of intention of recall under this subsection.

3. **Petition Forms.** Within 3 business days of receipt of a notice of intention of recall under subsection 2, the town clerk shall prepare petition forms for the collection of signatures under subsection 4 and send notice to the initiator of the petition under subsection 2 that the petition forms are available. The Town of Mexico may charge the initiator of the petition a reasonable fee for preparing and providing the petition forms under this subsection. A petition form must include:
   A. At the top of the form, the name and position of the official subject to recall, the name and contact information of the initiator of the petition and the date by which the signatures must be submitted to the town clerk under subsection 4;
   B. Spaces for each voter's signature, actual street address and printed name; and
   C. Space at the bottom of the form for the name, address and signature of the person circulating the petition form.

4. **Collection and submission of signatures:** A petition form under subsection 3 may be circulated or signed only by a registered voter of the Town of Mexico. A circulator of a petition form shall fill in the information required under subsection 3, paragraph C and sign the form prior to submission of the form to the town clerk. The initiator of the petition under subsection 2 shall collect the petition forms from all circulators and submit the signed petition forms to the town clerk within 30 days of receipt of notice from the clerk that the petition forms are available under subsection 3. The town clerk may not accept a petition form submitted more than 30 days after sending notice of availability to the initiator under subsection 3, and any voter signatures on that form are invalid.

5. **Petition certification and notification.** Within 7 business days of receiving petition forms under subsection 4, the town clerk shall determine whether the petition forms meet the criteria under subsection 4 and certify the validity of any signatures on the petition forms. If the clerk finds that the number of valid signatures submitted under subsection 4 meets or exceeds the requirements under subsection 1, the clerk shall certify the petition and immediately send notification of the certification to the municipal officers, the initiator of the petition and the official subject to the recall. If the town clerk finds that the number of valid signatures submitted under subsection 4 does not meet the requirements for the petition under subsection 1, the clerk shall file the petition and the petition forms in the clerk’s office and notify the initiator of the petition.

6. **Scheduling recall election.** Within 10 business days of certification of the petition under subsection 5, the municipal officers shall schedule a recall election to determine whether the official subject to the recall petition should be recalled. The election must be held no
Final recommendation of the Recall Study Group

less than 45 days nor more than 75 days after certification of the petition under subsection 5 unless a regular municipal election is scheduled to be held within 90 days of the certification of the petition under subsection 5, in which case the recall election must be held on the date of the regular municipal election. If the municipal officers fail to schedule a recall election within 10 days of certification of the recall petition under subsection 5, the town clerk shall schedule the recall election pursuant to the date requirements of this subsection. A Town of Mexico elected official cannot be recalled during the first 4 months after being elected and cannot be recalled a second time, after a first recall fails, for at least 1 year.

7. **Ballots for recall election.** If the official subject to the recall does not resign from office within 10 business days of certification of the recall petition under subsection 5, the ballots for the recall election under subsection 6 must be printed. A ballot for a recall election under this section must read:

   “Do you authorize the recall of (name of official) from the position of (name of office)? ( ) yes ( ) no”

8. **Results of recall election.** Within 2 business days of a recall election under subsection 6, the town clerk shall certify and record the election results and notify the municipal officers of those results. If a majority of voters vote to remove the official, provided a minimum voter turnout of 25% of the voter turnout from the previous gubernatorial election voted on the day of the recall, the recall takes effect on the date the election results are recorded pursuant to this section.

9. **Simultaneous election of candidates may be held.** When the majority of the members of the Board of Selectmen are being recalled, a simultaneous election for Selectmen shall be held with the recall election. If one or two Selectmen are being recalled, only the recall election shall take place. If either or both Selectmen are recalled, an additional election shall be held to elect new candidates. Elections of municipal officials under this subchapter shall be conducted pursuant to current election laws and procedures.

Adopted: June 10, 2014

Attest: Penny S. Duguay, Town Clerk
Town of Mexico
Referendum Town Meeting Ordinance

Section 1) Title

This ordinance shall be known as the “Town of Mexico Referendum Town Meeting Ordinance.”

Section 2) Purpose

The purpose of this ordinance is to:

a) Enhance the annual Town Meeting process by providing a reasonable comprehensive plan for a smooth transition from “Open Town Meeting” to “Referendum Town Meeting.”
b) Clarify, classify, and consolidate the number and make-up of appropriation articles to be voted by referendum ballot.
c) Provide for the continued funding of existing municipal services, without unnecessary disruption, in the event an appropriation article is not approved.
d) Reduce the number of articles to be voted on annually by granting to the Municipal Officers the continuing authority to act on routine administrative matters instead of voting on them annually at town meeting.

Section 3) Authority

This ordinance is enacted pursuant to the Home Rule authority granted the Town of Mexico pursuant to Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and the laws of the State of Maine, including without limitation Title 30-A, Section 3001.

Section 4) Appropriation Articles for Referendum Ballot

All appropriations described in the following categories shall be included on the referendum ballot in a single article, by category, as applicable:

a) Administration
   1. General Government
   2. Town Officers and Officials Salary
   3. Town Office Maintenance
   4. Audit Services
   5. Elections
   6. Town Report
   7. Administration Reserve Funds
      a. Town Building Renovation and Maintenance Reserve Account
         (All town buildings)
      b. Computer Reserve Account
      c. Property Revaluation Reserve Account
      d. Tax Map Maintenance Reserve
b) Recreation
   1. Recreation Building
   2. Recreation Park
   3. Recreation Programs
   4. Recreation Reserve Account

c) Police Department
   1. Police Department
   2. Police Capital Equipment Reserve Account

d) Fire Department
   1. Fire Department
   2. Fire Department Reserve Account
   3. Emergency Management

e) Public Safety
   1. Street Lights
   2. Fire Protection (Hydrants)

f) Health & Welfare
   1. Animal Control
   2. Med-Care Ambulance Service
   3. General Assistance
   4. Health Officer

g) Social Service Agencies
   1. All agency requests for donations from the town

h) Solid Waste
   1. NORSWB
   2. Waste Collection
   3. Recycling
   4. Spring Clean up

i) Public Works
   1. Highway Garage
   2. Winter Roads
   3. Summer Roads
   4. Highway Capital Equipment Reserve Account
   5. Road Construction and Maintenance Reserve Account

j) Library
   1. Library

k) Insurance
   1. General Liability, Bonds, Police Liability, Vehicle, Property, etc.
I) Debt Service
   1. Fire Truck Loan
   2. Highway Equipment Loan

m) Unclassified/Miscellaneous
   1. Code Enforcement
   2. Maine Municipal Association
   3. Individual Retirement Accounts
   4. Contingent
   5. Travel/Training
   6. Legal Expenses
   7. AVCOG
   8. Planning and Appeals Boards
   9. Economic Development
      a. Contingency Grant Reserve

Each appropriation article shall include a recommendation by the Board of Selectmen and the Budget Committee.

Section 5) Budget funding provision in the event an appropriation article is not approved

In the event a previously approved appropriation article is not approved, the appropriation for the immediately preceding year shall constitute the appropriation for the following fiscal year. In the event an appropriation article is not approved but it did not appear on the ballot for the immediately preceding year or it was submitted by voter petition, no appropriation shall be deemed to have been made. The Municipal Officers may call up to one additional referendum election in the same fiscal year to vote on appropriation articles that were not approved or that are for a similar purpose. Nothing in this ordinance shall prevent the Board of Selectmen from calling special "Open Town Meetings" during the year as the need may arise from time to time.

Section 6) Municipal Officers' Administrative Authority

The Municipal Officers shall be authorized to act on the following administrative matters usually acted on annually at town meeting:

a. To pay interest on tax anticipation notes from any general fund revenue and to pay tax abatements and applicable interest granted during the fiscal year from the overlay account.

b. To authorize the Tax Collector or Treasurer to accept prepayment of taxes prior to the date of commitment to the Tax Collector, pursuant to 36 M.R.S.A. Section 506, and issue a receipt for the same. To also authorize the Tax Collector or Treasurer to establish an eight (8) month payment plan known as the "Mexico Tax Club," under such terms and conditions as the Tax Collector or Treasurer deems are in the best interest of the Town, including, but not limited to, the abatement of interest for all members of the Tax Club
making regular payments in accordance with any rules and regulations for said "Mexico Tax Club" established by the Tax Collector or Treasurer.

c. To establish the dates during the month of October and during the month of March each year when taxes for the fiscal period will be due and payable in two equal installments, and to fix the interest rate to be charged on all taxes unpaid after said dates, and to fix the interest rate to be paid by the town on abated taxes pursuant to 36 M.R.S.A. Section 506-A. The interest rate charged shall not exceed the maximum interest rate authorized each year by the State Treasurer and the interest rate paid shall be fixed at a rate 4% less than the interest rate charged. Interest rates shall be set after review by the budget committee.

d. To allocate to the Mexico Snowmobile Trailblazer Club all snowmobile registration monies received from the State of Maine during each new fiscal year, and to require the club to use said funds for the purpose of maintaining their snowmobile equipment and trails, to be open to the use of the public at all times during snowmobile season, and to enter into an agreement with the Club, under such terms and conditions as the Municipal Officers may deem advisable, for that purpose.

e. To sell by sealed bid any outdated capital equipment, vehicles or machinery not traded, after advertising for two consecutive weeks in the local newspaper. Town owned property with an estimated value less than $2500.00 may be disposed of by the Municipal Officers under such terms and conditions as they deem advisable.

f. To accept any and all donations, gifts, and State or Federal reimbursements and/or grant monies on behalf of the town and to authorize the expenditure of such monies as may be requested by the donor, or as may be required by the grantee. All State reimbursements and annual allocations shall be estimated each year as part of the towns' overall revenue budget and shall be subtracted from the annual tax commitment to reduce the towns' tax rate.

g. To sell, dispose of, or lease by bid any real estate acquired by the town for non payment of taxes thereon, and to dispose of said property on such terms the Municipal Officers deem advisable after advertising for two consecutive weeks in the local newspaper, and shall issue a quit claim deed for the same.

h. To make final determinations regarding the closing or opening of roads to winter maintenance, pursuant to 23 M.R.S.A. Section 2953.

i. To allocate up to ½ of the cable franchise fees collected each year to the Western Valley Access Channel.

j. To authorize the Treasurer to deposit State of Maine, local road assistance monies received each year into the Road Construction and Maintenance Reserve Account.
Section 7) Validity and Severability

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

Section 8) Effective Date

The effective date of this ordinance shall be the date of adoption by the legislative body.

Section 9) Annual “Sunset” Provision

This ordinance and all of its provisions shall continue and remain in effect until the next annual “Referendum Town Meeting” election. Voters shall be asked the following referendum ballot question: Shall the Town vote to re-enact the “Town of Mexico Referendum Town Meeting Ordinance?” A yes vote continues “Referendum Town Meeting” for the next fiscal year. A no vote returns the town to the “Open Town Meeting” format.

**Enacted November 7, 2006

**Amendments adopted June 9, 2015

Attested: [Signature]

Penny S. Duguay, Town Clerk
TOWN OF MEXICO
ORDINANCE REGULATING OBSCENE MATERIAL

SECTION 1. DEFINITIONS

AS USED IN THIS ORDINANCE, THE FOLLOWING WORDS SHALL HAVE THE FOLLOWING MEANINGS:

“MATERIAL” MEANS ANYTHING TANGIBLE THAT IS CAPABLE OF BEING USED OR ADAPTED TO AROUSE INTEREST, WHETHER THROUGH THE MEDIUM OF READING, OBSERVATION, SOUND, OR IN ANY OTHER MANNER, BUT DOES NOT INCLUDE AN ACTUAL THREE-DIMENSIONAL OBSCENE DEVICE.

“OBSCENE” MEANS MATERIAL OR A PERFORMANCE THAT:
1. THE AVERAGE PERSON, APPLYING CONTEMPORARY COMMUNITY STANDARDS, WOULD FIND THAT TAKEN AS A WHOLE APPEALS TO THE PRURIENT INTEREST IN SEX;
2. DEPICTS OR DESCRIBES:
   A. PATENTLY OFFENSIVE REPRESENTATIONS OR DESCRIPTIONS OF ULTIMATE SEXUAL ACTS, NORMAN OR PERVERTED, ACTUAL OR SIMULATED, INCLUDING SEXUAL INTERCOURSE, SODOMY, AND SEXUAL BESTIALITY; OR
   B. PATENTLY OFFENSIVE REPRESENTATIONS OR DESCRIPTIONS OF MASTURBATION, EXCRETORY FUNCTIONS, SADISM, MASOCHISM, LEWD EXHIBITION OF THE GENITALS, THE MALE OR FEMALE GENITALS IN A STATE OF STIMULATION OR AROUSAL, COVERED MALE GENITALS IN A DISCERNIBLY TURGID STATE OR A DEVICE DESIGNED AND MARKETED AS A USEFUL PRIMARILY FOR STIMULATION OF THE HUMAN GENITAL ORGANS; AND
3. TAKEN AS A WHOLE, LACKS SERIOUS LITERARY, ARTISTIC, POLITICAL OR SCIENTIFIC VALUE.

“OBSCENE DEVICE” MEANS A DEVICE INCLUDING A DILDO OR ARTIFICIAL VAGINA, DESIGNED OR MARKETED AS USEFUL PRIMARILY FOR THE STIMULATION OF HUMAN GENITAL ORGANS.

“PATENTLY OFFENSIVE” MEANS SO OFFENSIVE ON ITS FACE AS TO BE INTOLERABLE TO THE AVERAGE PERSON, APPLYING CONTEMPORARY COMMUNITY STANDARDS.

“PERFORMANCE” MEANS A PLAY, MOTION PICTURE, DANCE, OR OTHER EXHIBITION PERFORMED BEFORE AN AUDIENCE.

“PROMOTE” MEANS TO MANUFACTURE, ISSUE, SELL, GIVE, PROVIDE, LEND, MAIL, DELIVER, TRANSFER, TRANSMIT, PUBLISH, DISTRIBUTE, CIRCULATE, DISSEMINATE, PRESENT, EXHIBIT, OR ADVERTISE, OR TO OFFER TO AGREE TO DO THE SAME.

“WHOLESALE PROMOTE” MEANS TO MANUFACTURE, SELL, PROVIDE, MAIL, DELIVER, TRANSFER, TRANSMIT, PUBLISH, DISTRIBUTE, CIRCULATE, DISSEMINATE, OR TO OFFER OR AGREE TO DO THE SAME FOR PURPOSE OF RESALE.

SECTION 2. PROMOTION OF OBSCENE MATERIAL OR DEVICES PROHIBITED

(A) PERSON COMITS AN OFFENSE IF, KNOWING ITS CONTENT AND CHARACTER, HE WHOLESALE PROMOTES OR POSSESSES WITH INTENT TO WHOLESALE PROMOTE ANY
OBSCENE MATERIAL OR OBSCENE DEVICE.

(B) A PERSON COMMITS AN OFFENSE, IF KNOWING ITS CONTENT AND CHARACTER, HE:

(1) PROMOTES OR POSSESSES WITH INTENT TO PROMOTE ANY OBSCENE MATERIAL OR OBSCENE DEVICE; OR
(2) PRODUCES, PRESENTS, OR DIRECTS AN OBSCENE PERFORMANCE OR PARTICIPATES IN A PORTION THEREOF THAT IS OBSCENE OR THAT CONTRIBUTES TO ITS OBSCENITY.

(C) A PERSON WHO PROMOTES OR WHOLESALE PROMOTES OBSCENE MATERIAL OR AN OBSCENE DEVICE OR POSSESSES THE SAME WITH INTENT TO PROMOTE OR WHOLESALE PROMOTE IT IN THE COURSE OF HIS BUSINESS IS PRESUMED TO DO SO WITH KNOWLEDGE OF ITS CONTENT AND CHARACTER.

(D) A PERSON WHO POSSESSES SIX (6) OR MORE OBSCENE DEVICES OR SIX (6) OR MORE OBSCENE ARTICLES, WHETHER SUCH DEVICES OR ARTICLES ARE SIMILAR OR IDENTICAL, IS PRESUMED TO POSSESS THEM WITH INTENT TO PROMOTE THE SAME.

(E) THIS SECTION DOES NOT APPLY TO A PERSON WHO POSSESSES OR DISTRIBUTES OBSCENE MATERIAL OR OBSCENE DEVICES OR PARTICIPATES IN CONDUCT OTHERWISE PROSCRIBED BY THIS SECTION WHEN THE POSSESSION, PARTICIPATION, OR CONDUCT OCCURS IN THE COURSE OF LAW ENFORCEMENT ACTIVITIES.

SECTION 3. VIOLATIONS

EACH OFFENSE UNDER THIS ORDINANCE SHALL CONSTITUTE A CIVIL VIOLATION FOR WHICH THE TOWN MAY RECOVER CIVIL PENALTY IN THE AMOUNT OF $1,000.

SEVERABILITY

IF ANY OF THE DEPICTIONS OR DESCRIPTIONS OF SEXUAL CONDUCT DESCRIBED IN THIS ORDINANCE ARE DECLARED BY A COURT OF COMPETENT JURISDICTION TO BE UNLAWFULLY INCLUDED HEREIN, THIS DECLARATION SHALL NOT INVALIDATE THIS ORDINANCE AS TO OTHER PATENTLY OFFENSIVE SEXUAL CONDUCT INCLUDED HEREIN.

ADOPTED: 6/7/99

SIGNED:

[Signature]

ARTHUR BORDEAU (CHAIRMAN)

ROLAND ARSENAULT

[Signature]

LOUISE WATERHOUSE

[Signature]

ROBERT LYONS

BRIAN ELLIOTT

SELECTMEN, TOWN OF MEXICO
TOWN OF MEXICO
ORDINANCE REGULATING PERSONS AND ESTABLISHMENTS PROVIDING SERVICES SIMILAR TO MASSAGE THERAPY

ARTICLE I
GENERAL PROVISIONS

SECTION 1. PURPOSE.
The purpose of this Ordinance is to regulate services which appear similar to massage therapy as defined in and regulated by Chapter 125 of Title 32 of the Maine Revised Statutes but which are not regulated under that Chapter (hereinafter “Para-Massage”)

SECTION 2. definitions.
For the purpose of this Ordinance, the following definitions shall apply unless the context clearly implies otherwise.

DISQUALIFYING CRIMINAL CONVICTIONS: Any conviction for any criminal offense punishable by imprisonment for any period of time, whether or not the sentence was imposed or served, but not including any conviction which is shown to have been set aside on appeal or collaterally, or for which a pardon, certificate of rehabilitation, or the equivalent under the law of the sentencing jurisdiction has been granted, or which is not rationally related to the purpose of licensing Para-Massage establishments.

MASSAGE THERAPY: The professional practice of massage therapy as defined in 32 M.R.S.A, Section 14301 (4).

PARA-Massage: Any method of rubbing, kneading, tapping, vibration, compression, percussion, application of friction or manipulation of the external parts of the human body with the hand or other parts of the body or with the aid of any instrument or device, and which is not massage therapy.

PARA-Massage establishment: Any business, including but not limited to sole proprietorship, in which the business operation consists of providing or making available Para-Massage for consideration or with the expectation of receiving consideration or any gratuity, whether or not the business has a fixed place of business within the limits of the town.

PARA-MASSAGER: Any person who performs a Para-Massage for consideration or gratuity or with the expectation of receiving consideration or any gratuity.

PATRON: Any person who receives a Para-Massage.

PERSON: Any individual, partnership, corporation or other entity.

SECTION 3. EXCEPTIONS.
The following shall be exempt from this Ordinance while duly licensed or registered under and practicing in accordance with the laws of this state: massage therapists as defined in 32 M.R.S.A. Section 14301 (3), physicians, physicians’ assistants, surgeons, osteopaths, nurses, chiropractors, physical therapists, barbers, cosmetologists, beauticians and other health and hygiene professionals.

SECTION 4.
All Para-Massage shall be administered on a massage table, treatment table or treatment mat.
SECTION 5. MAINTENANCE AND CLEANING.
EVERY PERSON WHO CONDUCTS OR OPERATES A PARA-MASSAGE ESTABLISHMENT SHALL KEEP
THE SAME AT ALL TIMES IN A CLEAN AND SANITARY CONDITION. ALL INSTRUMENTS, SUPPLIES
AND DEVICES OF ANY KIND, OR PARTS THEREOF, THAT COME INTO CONTACT WITH THE HUMAN
BODY SHALL BE KEPT CLEAN BY A MODERN AND APPROVED METHOD OF CLEANING.

SECTION 6. PROHIBITED ACTIVITIES.
NO PARA-MASSAGER SHALL ADMINISTER A PARA-MASSAGE TO A PATRON WHOSE
GENITALS ARE EXPOSED.

NO PARA-MASSAGER SHALL ADMINISTER OR AGREE TO ADMINISTER A PARA-
MASSAGE TO THE GENITALS OR ANUS OF PATRON.

NO PARA-MASSAGER SHALL ADMINISTER A PARA-MASSAGE UNLESS HE/SHE IS
FULLY CLOTHED WITH NON-TRANSPARENT CLOTHING.

SECTION 7. CLOSING HOURS.
NO PARA-MASSAGE ESTABLISHMENT SHALL BE KEPT OPEN BETWEEN THE HOURS OF 12
MIDNIGHT AND 6:00 A.M.

SECTION 8. SUPERVISION.
AT ALL TIMES WHEN OPEN FOR BUSINESS, A PARA-MASSAGE ESTABLISHMENT SHALL HAVE
UPON THE PREMISES A LICENSE PARA-MASSAGER OR PERSON WHO POSSESS A COMBINATION
PARA-MASSAGE ESTABLISHMENT/PARA-MASSAGER LICENSE WHO SHALL BE AVAILABLE TO
SUPERVISE THE OPERATION OF THE ESTABLISHMENT AND ASSURE THAT NO VIOLATIONS OF
THIS ORDINANCE OCCUR.

SECTION 9. LIST OF EMPLOYEES.
A PARA-MASSAGE ESTABLISHMENT SHALL KEEP A WRITTEN LIST OF THE NAMES AND CURRENT
ADDRESSES OF ALL EMPLOYEES, BOTH ON DUTY AND OFF DUTY. SUCH LISTS SHALL BE SHOWN
TO THE CHIEF OF POLICE, THE TOWN CLERK OR THE CLERK'S REPRESENTATIVE UPON REQUEST.

ARTICLE II
LICENSES

SECTION 1. LICENSE REQUIRED.
A. ESTABLISHMENT LICENSE: NO PERSON SHALL OPERATE A PARA-MASSAGE
ESTABLISHMENT WITHOUT FIRST HAVING OBTAINED A VALID PARA-MASSAGE
ESTABLISHMENT LICENSE ISSUED BY THE TOWN OF MEXICO. A SEPARATE LICENSE
SHALL BE REQUIRED FOR EACH PARA-MASSAGE ESTABLISHMENT.

B. PARA-MASSAGER LICENSE: NO PERSON SHALL WORK AS A PARA-MASSAGER WITHOUT
A VALID PARA-MASSAGER LICENSE OR COMBINED PARA-MASSAGE
ESTABLISHMENT/PARA-MASSAGER LICENSE ISSUED BY THE TOWN OF MEXICO.

C. COMBINED ESTABLISHMENT/PARA-MASSAGER LICENSE: A SOLE PRACTITIONER WHO
EMPLOYS NO PARA-MASSAGER OTHER THAN HIMSELF/HERSELF MAY APPLY FOR A
COMBINED PARA-MASSAGE ESTABLISHMENT/PARA-MASSAGER LICENSE.

SECTION 2. LICENSES DISPLAYED.
A VALID PARA-MASSAGE ESTABLISHMENT LICENSE SHALL BE DISPLAYED AT ALL TIMES IN THE
PARA-MASSAGE ESTABLISHMENT FOR WHICH IT WAS ISSUED. A VALID PARA-MASSAGER
LICENSE OR COMBINED PARA-MASSAGE ESTABLISHMENT/PARA-MASSAGER LICENSE MUST BE
READILY AVAILABLE TO BE PRODUCED IMMEDIATELY IF DEMANDED OF THE LICENSE.
(MASSAGE SIMILARITY- ORDINANCE)

SECTION 3. STANDARDS FOR DENIAL.
A. PARA-MASSAGE ESTABLISHMENT LICENSE:
THE TOWN COUNCIL MAY DENY A LICENSE FOR A PARA-MASSAGE ESTABLISHMENT IF IT FINDS THAT:
1. THE APPLICANT DOES NOT HAVE A LEGAL RIGHT TO OCCUPY THE PREMISES FOR WHICH THE LICENSE IS SOUGHT;
2. THE PREMISES, BUSINESS OR ACTIVITY ARE NOT IN COMPLIANCE WITH OTHER LOCAL ORDINANCES;
3. THE APPLICANT IS A CORPORATION THAT IS NOT REGISTERED TO DO BUSINESS IN THE STATE;
4. ANY PRINCIPAL OFFICER OF THE CORPORATION OR ANY PERSON HAVING AN ACTUAL OWNERSHIP INTEREST OR MANAGEMENT AUTHORITY THEREIN, OR THE APPLICANT, IF OTHER THAN A CORPORATION, HAS A DISQUALIFYING CRIMINAL CONVICTION WITHIN THE IMMEDIATELY PRECEDING FIVE (5) YEARS.

A. PARA-MASSAGER, COMBINED PARA-MASSAGE ESTABLISHMENT/PARA-MASSAGER:
THE BOARD OF SELECTMEN MAY DENY A LICENSE FOR A PARA-MASSAGER OR COMBINED PARA-MASSAGE ESTABLISHMENT/PARA-MASSAGER FOR THE FOLLOWING REASONS:
1. THE APPLICANT HAD A DISQUALIFYING CRIMINAL CONVICTION AT ANY TIME DURING THE FIVE (5) YEARS IMMEDIATELY PRECEDING APPLICATION; OR
2. THE APPLICANT IS NOT AT LEAST EIGHTEEN (18) YEARS OF AGE.

THE BOARD OF SELECTMEN SHALL MAKE AND THE TOWN CLERK SHALL KEEP A WRITTEN RECORD OF EACH DECISION TO DENY AN APPLICATION FOR ANY LICENSE UNDER THIS ORDINANCE.

SECTION 4. GROUNDS FOR SUSPENSION OR REVOCATION.
A. ALL LICENSES:
IN ADDITION TO THE GROUNDS FOR DENIAL AS SET FORTH IN ARTICLE II, SECTION 3, A & B, ANY LICENSE MAY BE SUSPENDED OR REVOKED UPON A DETERMINATION THAT THE LICENSEE:
1. FAILED TO NOTIFY THE CLERK OF ANY CHANGE IN MATERIAL FACTS SET FORTH IN THE APPLICATION FOR SUCH LICENSE; OR
2. VIOLATED ANY PROVISION OF THIS ORDINANCE OR OF ANY OTHER ORDINANCE OF THE TOWN OF MEXICO.

B. PARA-MASSAGE ESTABLISHMENT OR COMBINED PARA-MASSAGE ESTABLISHMENT/PARA-MASSAGER LICENSE:
IN ADDITION TO THE PROVISIONS OF ARTICLE II SUB-SECTION 4, A PARA-MASSAGE ESTABLISHMENT LICENSE OR COMBINED PARA-MASSAGE ESTABLISHMENT/PARA-MASSAGER LICENSE MAY BE SUSPENDED OR REVOKED UPON A DETERMINATION THAT THE LICENSEE;
1. PERMITTED ANY PERSON TO PERFORM A PARA-MASSAGE WITHOUT A VALID LICENSE TO DO SO;
2. PERMITTED OR ALLOWED AN EMPLOYEE OR PARA-MASSAGER TO VIOLATE ANY PROVISIONS OF THIS ORDINANCE ON THE PREMISES OF THE PARA-MASSAGE
MASSAGE SIMILARITY- ORDINANCE

ESTABLISHMENT OR IN THE COURSE OF CONDUCT OF THE BUSINESS OF THE PARA-
MASSAGE ESTABLISHMENT; OR

3. KNOWINGLY PERMITTED ANY VIOLATION OF TITLE 17-A, M.R.S.A., SECTIONS 851 AND
855. SUCH KNOWLEDGE SHALL BE PRESUMED IF THERE HAVE BEEN TWO (2) OR MORE
CONVICTIONS FOR ANY SUCH OFFENSE WITHIN ANY ONE-YEAR PERIOD. THE APPLICANT
OR LICENSEE MAY REBUT SAID PRESUMPTION BY SHOWING THAT (i) DUE DILIGENCE
WAS EXERCISED TO PREVENT THE RECURRENCE OF ANY SUCH OFFENSE AND (ii) DESPITE
SUCH DILIGENCE, HE OR SHE DID NOT KNOW AND COULD NOT REASONABLY HAVE
KNOW OF ANY SUBSEQUENT OFFENSE.

SECTION 5. APPLICATION FOR PARA-MASSAGE ESTABLISHMENT. COMBINED PARA-
MASSAGE ESTABLISHMENT/PARA-MASSAGE THERAPIST AND PARA-MASSAGE THERAPIST LICENSE.
ANY PERSONS DESIRING A LICENSE PURSUANT TO THIS ORDINANCE SHALL FILE A WRITTEN,
SIGNED APPLICATION WITH THE TOWN CLERK ON A FORM TO BE FURNISHED BY THE CLERK. AN
APPLICATION FOR A COMBINED PARA-MASSAGE ESTABLISHMENT/PARA-MASSAGE THERAPIST
LICENSE OR FOR A PARA-MASSAGE THERAPIST'S LICENSE SHALL BE ACCOMPANIED BY TWO
FRONT FACE PHOTOGRAPHS OF THE APPLICANT TAKEN WITH THIRTY (30) DAYS OF THE
APPLICATION, OF SUCH SIZE AS THE CLERK MAY SPECIFY.

SECTION 6. OBTAINING LICENSE BY FRAUD.
A. NO PERSON SHALL MAKE ANY FALSE, UNTRUTHFUL OR FRAUDULENT STATEMENTS,
EITHER WRITTEN OR ORAL, OR IN ANY WAY CONCEAL ANY MATERIAL FACT, OR GIVE OR
USE ANY FICTITIOUS NAME IN ORDER TO SECURE OR AID IN SECURING A LICENSE
REQUIRED BY THIS ORDINANCE. ALL NAMES, INCLUDING BUT NOT LIMITED TO MAIDEN
NAME, EVER USED BY THE APPLICANT MUST BE NOTED ON THE APPLICATION.
B. ANY LICENSE SECURED BY FRAUD, DECEIT OR CONCEALMENT SHALL BE DEEMED TO BE
NULL AND VOID.

SECTION 7. USE OF LICENSE.
NO PERSON SHALL MAKE USE OF, IN ANY MANNER, TO HIS OR HER OWN OR ANOTHER'S
BENEFIT, ANY LICENSE WHICH HAS NOT BEEN DULY ISSUED TO HIM OR HER IN ACCORDANCE
WITH THIS ORDINANCE.

SECTION 8. EXISTING PARA-MASSAGE AND PARA-MASSAGE ESTABLISHMENTS.
ANY PERSON PRESENTLY OPERATING AS A PARA-MASSAGER AND/OR OPERATING A PARA-
MASSAGE ESTABLISHMENT IN THE EFFECTIVE DATE OF THIS ORDINANCE
SHALL COMPLY WITH THE TERMS OF THIS ORDINANCE BY OBTAINING A LICENSE WITHIN SIXTY
(60) DAYS OF THE EFFECTIVE DATE.

SECTION 9. SEVERABILITY.
IN THE EVENT THAT ANY SECTION, SUB-SECTION, OR ANY PORTION OF THIS ORDINANCE SHALL
BE DECLARED BY ANY COMPETENT COURT TO BE INVALID FOR ANY REASON, SUCH
DECLARATION SHALL NOT BE DEEMED TO AFFECT THE VALIDITY OF ANY OTHER SECTION, SUB-
SECTION OR PORTION OF THIS ORDINANCE.

SECTION 10. PENALTY.
THE VIOLATION OF ANY PROVISION OF THIS ORDINANCE SHALL BE A CIVIL VIOLATION
PUNISHED BY A FINE OF NOT LESS THAN TWO HUNDRED FIFTY ($250.00) DOLLARS NOR MORE
THAN FIVE HUNDRED ($500.00) DOLLARS FOR EACH OFFENSE. EACH ACT OF VIOLATION AND
EVERY DAY UPON WHICH ANY SUCH VIOLATION OCCURS SHALL CONSTITUTE A SEPARATE
OFFENSE. IN ADDITION TO SUCH PENALTY, THE TOWN MAY ENJOIN OR ABATE ANY VIOLATION
OF THIS ORDINANCE BY APPROPRIATE ACTION.
SECTION 11. TERM OF LICENSE.
LICENSES ISSUED PURSUANT TO THIS ORDINANCE SHALL BE FOR A TERM OF NO MORE THAN ONE YEAR AND SHALL EXPIRE ANNUALLY ON SEPTEMBER 30TH.

SECTION 12. APPLICATION FEES.
THE FOLLOWING FEES SHALL BE ESTABLISHED FOR THE LICENSES ISSUED UNDER THIS ORDINANCE:

1. PARA-MASSAGE ESTABLISHMENT LICENSE  $50.00
2. PARA-MASSAGER LICENSE  $25.00
3. COMBINED PARA-MASSAGE ESTABLISHMENT/
   PARA-MASSAGER LICENSE  $30.00

**THE FOREGOING FEES ARE PAYABLE AT THE TIME OF APPLICATION AND ARE NON-REFUNDABLE.

SECTION 13. APPLICABILITY TO PENDING APPLICATIONS.
NOTWITHSTANDING ANYTHING TO THE CONTRARY IN Title #1 M.R.S.A. SECTION 302, THE PROVISIONS OF THIS ORDINANCE SHALL APPLY TO ANY APPLICATION OR REQUEST TO OPERATE A PARA-MASSAGE ESTABLISHMENT PREVIOUSLY SUBMITTED TO THE TOWN OF MEXICO OR TO ANY OF ITS OFFICERS OR EMPLOYEES.

ADOPTED: 6/7/99

ARTHUR BORDEAU, CHAIRMAN

ROLAND ARSENAULT

LOUISE WATERHOUSE

ROBERT LYONS

BRIAN ELLIOTT
SELECTMEN, TOWN OF MEXICO
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>SECTION I.</th>
<th>PURPOSE AND AUTHORITY</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Purpose</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>B. Authority</td>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SECTION II. SCOPE</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Application of Standards</td>
<td>1</td>
</tr>
<tr>
<td>B. Minimum Standards</td>
<td>1</td>
</tr>
<tr>
<td>C. Enforcement</td>
<td>1</td>
</tr>
<tr>
<td>D. Penalty for Non-Compliance</td>
<td>1</td>
</tr>
<tr>
<td>E. Dwelling Unfit for Human Habitation</td>
<td>2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SECTION III. MINIMUM STANDARDS OF DESIGN, CONSTRUCTION, OR REPAIR</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Minimum Standards for Structural Elements</td>
<td>2</td>
</tr>
<tr>
<td>B. Minimum Standards for Space and Occupancy</td>
<td>3</td>
</tr>
<tr>
<td>C. Minimum Plumbing Standards</td>
<td>4</td>
</tr>
<tr>
<td>D. Minimum Ventilation Standards</td>
<td>6</td>
</tr>
<tr>
<td>E. Minimum Lighting Standards</td>
<td>6</td>
</tr>
<tr>
<td>F. Minimum Heating Standards</td>
<td>6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SECTION IV. MINIMUM STANDARDS TO ENSURE SAFETY FROM FIRE</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Flammable Liquids; Toxic Gases</td>
<td>8</td>
</tr>
<tr>
<td>B. Means of Egress for One and Two-Family Dwellings</td>
<td>8</td>
</tr>
<tr>
<td>C. Means of Egress for Apartment Buildings, Lodging or Rooming Houses</td>
<td>8</td>
</tr>
<tr>
<td>D. Unobstructed Egress</td>
<td>8</td>
</tr>
<tr>
<td>E. Temporary Wiring; Extension Cords</td>
<td>8</td>
</tr>
<tr>
<td>F. Space Heaters</td>
<td>8</td>
</tr>
<tr>
<td>G. Smoke Detectors Required</td>
<td>8</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SECTION V. MINIMUM STANDARDS OF SANITARY MAINTENANCE</th>
<th>8</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Insect, Rodent, and Vermin Control</td>
<td>9</td>
</tr>
<tr>
<td>B. Disposal of Garbage and Waste</td>
<td>10</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SECTION VI. INSPECTION, NOTION OF VIOLATION, AND LEGAL PROVISIONS</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Inspections</td>
<td>10</td>
</tr>
<tr>
<td>B. Notices</td>
<td>10</td>
</tr>
<tr>
<td>C. Reinspection</td>
<td>10</td>
</tr>
<tr>
<td>D. Posting Against Occupancy</td>
<td>10</td>
</tr>
<tr>
<td>E. Property Not To Be Occupied Again for Habitation</td>
<td>11</td>
</tr>
<tr>
<td>F. Notices Not To Be Removed: Property Not To Be Used or Let</td>
<td>11</td>
</tr>
<tr>
<td>G. Property to be Secured If Not Removed</td>
<td>11</td>
</tr>
<tr>
<td>H. Restriction on Conveyance of Property</td>
<td>11</td>
</tr>
<tr>
<td>I. Responsibility Not Transferred</td>
<td>11</td>
</tr>
<tr>
<td>J. Appeal to the Board of Appeals</td>
<td>11</td>
</tr>
<tr>
<td>K. Personal Non-Liability</td>
<td>12</td>
</tr>
</tbody>
</table>

| SECTION VII. DEFINITIONS | 12 |
SECTION I. PURPOSE AND AUTHORITY

A. Purpose

The purpose of this code is to safeguard the health, safety and welfare of the inhabitants of Mexico, Maine through the establishment and enforcement of minimum standards for the occupancy and maintenance of rental units.

B. Authority

The code is adopted and hereafter amended pursuant to and consistent with: Title 30-A M.R.S.A. Section 3001 and Title 25 M.R.S.A., Chapter 313.

SECTION II. SCOPE

A. Application of Standards

All residential rental units constructed after the enactment of this Code shall conform to these standards. All residential rental units existing or under construction at the time of enactment of this Code shall conform to these regulations within two years of the date of enactment.

Where application of the standards of this Code, as ordered by the code enforcement officer, will result in hardship to the owner or occupant, such person may appeal to the Board of Appeals as provided in Section VI.

B. Minimum Standards

The standards set forth herein are intended to be minimum only, and they shall not apply wherever a greater standard is required by another ordinance or law. When these standards conflict with State or Federal requirements, such State of Federal requirements will prevail.

C. Enforcement

This Code shall be administered by the Code Enforcement Officer who may obtain from any qualified person or persons such advice or other assistance as he deems necessary in the carrying out of his duties under this Code; and said person or persons shall be reimbursed for their services in such a manner as the Selectmen shall determine.

D. Penalty for Non-Compliance

Any person failing or refusing to obey any order of notice of the Code Enforcement Officer issued hereunder shall be subject to a fine in accordance with Title 30-A
M.R.S.A. Section 4452. Each day such violation continues after notification by the Code Enforcement Officer shall be considered to be a separate offense.

E. Dwelling Unfit for Human Habitation

Any dwelling unit or rooming unit which is in violation of the provisions of this Code to the extent that it is unfit for human habitation in the opinion of the Code Enforcement Officer may be condemned for habitation and posted against occupancy by the Code Enforcement Officer. The following shall be considered to be unfit for human habitation:

1. Properties which are damaged, decayed, dilapidated, unsanitary, overcrowded, unsafe, or vermin infested in such a manner as to create a serious hazard to the health and safety of the occupants.

2. Properties which lack plumbing, ventilating, lighting, and heating facilities or equipment adequate to protect the health and safety of the occupants.

SECTION III. MINIMUM STANDARDS OF DESIGN, CONSTRUCTION, OR REPAIR

A. Minimum Standards for Structural Elements

1. Foundations, Basements, Cellars, Exterior Walls, Roofs

   Every foundation, basement, cellar, exterior wall, and roof shall be substantially weather tight and watertight; shall be structurally sound and shall be safe for the intended use. Water from roofs shall be so drained and conveyed therefrom so as not to leak nor create a hazard to adjacent buildings or occupants thereof.

2. Floors, Interior Walls, Ceilings, and Doors

   Every floor, interior wall, ceiling, and door shall be in structurally sound condition and in good repair.

3. Windows, Exterior Doors and Skylights

   Every window, exterior door, including basement or cellar door and hatchway, and skylight shall be substantially weather tight and watertight, and shall be kept in sound working condition and good repair.

4. Stairways, Stairwells, Stairs, and Porches

   Every inside and outside stairway, stairwell, stairs, and porch and any appurtenances thereto shall be structurally sound, in good repair, and safe to use.
5. Chimneys, Flues, and Vents

Every chimney and every flue, vent, and smokepipe and any attachments thereto shall be structurally sound, in good repair, and safe to use.

B. Minimum Standards for Space and Occupancy

1. Space Requirements

Every dwelling unit shall contain at least one habitable room that shall have not less than 120 square feet of floor area. Other habitable rooms shall have an area of not less than 64 square feet. Every kitchen shall have not less than 50 square feet of floor area. The least horizontal dimension of such a room shall not be less than 7 feet.

2. Excluded Areas

In the computing of floor area for the purpose of this Section, the space used for closets or other enclosed spaces and, in the case of rooms with sloping ceilings, portions of such rooms which are less than four feet in height shall be excluded.

3. Habitable Rooms in Basements and Cellars

Every room in any cellar or basement used for the purpose of a habitable room shall meet the following conditions.

a. The ceiling shall be at least 6 ½ feet above the floor.

b. Unless adequate mechanical ventilation is provided, there shall be one or more operable windows containing an area equal to not less than 4% of the floor area, and the ceiling shall be at least 2 feet above grade where the required window or windows are located.

c. The floor and walls shall be water and damp-proof and the room shall be well-drained and dry.

C. Minimum Plumbing Standards

1. Basic Facilities

Every dwelling unit, except as provided below, shall contain a kitchen sink, a flush toilet, lavatory basin, and bathtub or shower.

a. The occupants of not more than two dwelling units, each of which contains not more than 340 square feet of habitable floor area and each of which...
contains not more than two rooms, may share the use of a single flush toilet, lavatory basin, and bathtub or shower.

b. One room dwelling units shall be considered as rooming units and not dwelling units for the purpose of determining the number who may share such facilities.

c. Rooming houses and dwelling houses containing rooming units shall contain at least one flush toilet, one lavatory basin, and one bathtub or shower for each five persons or fraction thereof, living within said rooming units, which shall include members of the family and the owner or operator if they share the use of such facilities.

2. Location of Facilities

The flush toilet, lavatory basin, and bathtub or shower shall be conveniently located within a room or compartment which affords privacy and is separate from habitable rooms and which each occupant can reach without going out doors, or passing through a dwelling unit or rooming unit other than his own, or ascending or descending more than one flight of stairs. Where practicable, the lavatory basin and toilet shall be in the same room or compartment.

3. Water Supply

Every dwelling unit and rooming house, or combination of the same, shall be provided with a potable water supply. Every kitchen sink, lavatory basin, and bathtub or shower required by this Code shall be properly connected with hot and cold water lines with adequate supply and pressure. Water heating facilities shall be sufficient to supply hot water hot water to plumbing fixtures and appliances intended for bathing, washing or culinary purposes.

4. Maintenance of Plumbing Fixtures

All fixtures shall be properly maintained in sanitary and sound mechanical condition.

D. Minimum Ventilation Standards

Every habitable room shall have a window or windows opening to the outdoors which shall be so constructed that an area equal to not less than four (4)% of the floor area of the room (excluding any portion of the room that has a height of less than four feet above the floor) can be opened fully. The window area need not be operable where an approved mechanical ventilating system capable of producing a change of air at least once per hour may be substituted for such window or windows.
E. Minimum Lighting Standards

1. Habitable Rooms

Every habitable room shall contain at least two separate duplex convenience outlets or at least one duplex convenience outlet and one ceiling-type or wall-type electric light fixture.

2. Bathrooms, Utility Rooms, Cellars and Basements

Every bathroom, laundry room, furnace room, cellar and basement shall contain at least one ceiling-type or wall-type electric light fixture.

3. Passageways and Common Stairways

Every passageway and stairway shall have at least one ceiling-type or wall-type electric light fixture which can illuminate it adequately for safe passage by the occupants.

4. Maintenance of Lighting Fixtures

All fixtures required by this Code and all fixtures installed in addition thereto shall be maintained in good and safe working condition.

F. Minimum Heating Standards

1. Heating Facilities Required

Every habitable room shall be served by heating facilities capable of providing a minimum temperature of at least 68 degrees Fahrenheit at a distance of three or more feet from exterior walls at a height of 3 feet above floor level. The capacity of the heating equipment to maintain the such indoor temperatures shall be based on an outside temperature of minus 20 degrees Fahrenheit. When heat is not furnished with a central heating system, each dwelling unit or rooming unit shall be provided with one or more masonry flues and smoke or vent pipe connections, or equal arrangement.

2. Maintenance of Equipment

All stoves, furnaces, room heaters, or domestic water heaters operated by solid, liquid, or gaseous fuel shall be properly vented and maintained in safe operating condition by the owner, operator, and/or occupant, or both.
3. **Electric Space Heating Equipment**

Dwellings which are occupied, or intended to be occupied, in whole or in part for living and sleeping by one or more occupants, when heat is furnished entirely by electric space heating equipment, shall be exempted from the use of masonry flues or smoke or vent pipe connections as provided under part (a) of the Minimum Heating Standards.

SECTION IV. **MINIMUM STANDARDS TO ENSURE SAFETY FROM FIRE**

A. **Flammable Liquids; Toxic Gases**

No dwelling unit or rooming unit shall be within a building containing any establishment handling, dispensing or storing flammable liquids, or producing toxic gases or vapors in any quantity which may endanger the lives or safety of the occupants.

B. **Means of Egress for One and Two-Family Dwellings**


C. **Means of Egress for Apartment Buildings, Lodging or Rooming Houses**


3. Means of egress for lodging or rooming houses shall conform to the requirements set forth in NFPA 101 - Life Safety Code, Chapter 20, 1985 edition or as may be amended.

D. **Unobstructed Egress**

Every hallway, stairway, corridor, exit, fire escape door, used or intended as a means of egress from habitable room shall be kept clear of obstructions at all times.
E. Temporary Wiring; Extension Cords

No temporary wiring shall be used except extension cords which run directly from portable electrical fixtures to convenience outlets, ceiling or wall type fixtures, and do not lie under rugs or other floor coverings, nor extend through doorways, transoms or openings through structural elements.

F. Space Heaters

Flueless oil or gas space heaters are prohibited.

G. Smoke Detectors Required

The owner shall install smoke detectors as required in Title 25 M.R.S.A. Section 2464.

SECTION V. MINIMUM STANDARDS OF SANITARY MAINTENANCE

A. Insect, Rodent, and Vermin Control

1. General. Structures shall be maintained free of insect, vermin, and rodent harborage and other infestation.

2. Grounds. Grounds shall be maintained free of garbage and wastes attractive to rats and vermin.

3. Screening. Screens of wire mesh or other suitable material shall be provided for openings used to ventilate basements or cellars, to prevent the ingress of insects, rodents, and other vermin. From May 1 to October 1, all openings used for the ventilation of dwelling shall be properly screened.

B. Disposal of Garbage and Waste

1. Containers

Watertight containers made of metal or plastic shall be provided for each dwelling unless all solid waste is otherwise disposed of. Containers shall be kept covered to reduce their attraction to vermin and rodents.

2. Storage

No waste or refuse shall be stored or allowed to accumulate in any hall or stairway.
SECTION VI. INSPECTION, NOTION OF VIOLATION, AND LEGAL PROVISIONS

A. Inspections

The Code Enforcement Officer, upon proper identification and reasonable notice shall have the right to enter at any reasonable time into or upon any dwelling or premises, where a rental unit exists or is being constructed or offered for rent or lease, for the purpose of inspecting said dwelling or premises to determine whether or not a violation of this Code exists and for the purpose of examining and inspecting any work performed under the provisions of this Code.

B. Notices

When any violation is found to exist within the meaning of this Code, the Code Enforcement Officer shall give the owner, operator, or occupant, or both a written order or notice by certified letter which shall set forth the violation and shall specify a reasonable time limit for correction thereof.

C. Reinspection

After the expiration of the time for correction of such violation the Code Enforcement Officer shall make a reinspection of the premises and if the violation has not been corrected and no appeal is pending as hereinafter provided, the Code Enforcement Officer may make such further order as he deems advisable or he may proceed to take legal action against the person liable for such violation.

D. Posting Against Occupancy

If, in the opinion of the Code Enforcement Officer, a dwelling unit or room unit is in violation of the provisions of this Code to the extent that it is unfit for human habitation, the Code Enforcement Officer shall condemn it for habitation and shall post it against occupancy; and he shall give notice in writing to the owner or operator of such condemnation and posting; and if such property is occupied, he shall give like notice to the occupant, which shall also include a reasonable time limit within which such property shall be vacated.

E. Property Not To Be Occupied Again for Habitation

No property which has been condemned and posted against occupancy shall again be used for habitation until the Code Enforcement Officer shall in writing approve of its use and shall likewise authorize the removal of the posted notice.
F. Notices Not To Be Removed: Property Not To Be Used or Let

It shall be a violation of this Code for any person to deface or remove any such posted notice without the prior approval of the Code Enforcement Officer, and it shall also be a violation of this Code for any person to occupy or let to another for occupancy any property which has been condemned and posted as provided above without receiving the prior approval of the Code Enforcement Officer.

G. Property to be Secured If Not Removed

In the event the owner or operator of any property which has been condemned as unfit for habitation does not proceed to make the necessary corrections to bringing the property into compliance with the provisions of this Code, he shall make said property safe and secure so that no danger to life or property and no fire hazard shall exist.

H. Restriction on Conveyance of Property

It shall be a violation of this Code for any person to sell, transfer, or otherwise dispose of any property against which an order has been issued by the Code Enforcement Officer under the provisions of this Code unless he shall first furnish to the grantee a true copy of any such order and shall at the same time notify the Code Enforcement Officer in writing of the intent to so transfer either by delivering said notice to the Code Enforcement Officer and receiving a receipt therefor or by registered mail, return receipt requested, giving the name and address of the person to whom the transfer is proposed.

I. Responsibility Not Transferred

No contract or agreement between owner and/or operator and occupant relating to compliance with the provisions of this Code shall be effective in relieving any person of responsibility for compliance with those provisions.

J. Appeal to the Board of Appeals

Any person who feels aggrieved by an order or notice of the Code Enforcement Officer under the provisions of this Code may file an appeal within ten (10) days from the date of such order or notice to the Board of Appeals who may, by a majority vote, reverse the decision of the Code Enforcement Officer and permit exceptions to or variances from the specific provisions of this Code in cases where the enforcement of the provisions of this Code may result in undue hardship, subject always to the rule that the Board of Appeals shall consider the purposes of this Code in promoting public health, safety, and welfare.
K. Personal Non-Liability

No officer or employee charged with the enforcement of this Code and acting for the Town of Mexico in the discharge of his duties shall render himself personally liable for any damage that may occur to any person or property as a result of his acts in the discharge of his duties. Any suit brought against any officer or employee because of any act performed by him under the provisions of this Code shall be defended by the Town of Mexico until the final determination of the proceedings therein.

SECTION VII. DEFINITIONS

The following definitions shall apply unless the context clearly indicates another meaning:

“Basement” shall mean the portion of a building below the ground floor having not more than half its clear height below the adjoining grade.

“Cellar” shall mean the portion of a building below the ground floor or basement having more than half its clear height below the adjoining grade.

“Dwelling” shall mean any house, building or part of it, which is occupied, or intended to be occupied, in whole or in part for living and sleeping by one or more occupants. A dwelling may include one or more dwelling units or rooming units or a combination of both.

“Dwelling Premises” shall mean the land and auxiliary building thereon used or intended to be used with a dwelling.

“Dwelling Unit” shall mean one or more rooms within a dwelling which forms a single and separate habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating.

“Extermination” shall mean the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing, or making inaccessible, materials that may serve as their food; poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the Code Enforcement Officer.

“Floor Area” shall mean the floor area inside of and between exterior walls or partitions or any combination thereof, as measured within a habitable room.

“Habitable Room” shall mean a room used, or intended to be used for living, sleeping, cooking, or eating. A bathroom, toilet room, laundry, pantry, hall, closet, heater room, utility room, or other shall not be considered to be a “habitable room.”
“Code Enforcement Officer” shall mean the Code Enforcement Officer of the Town of Mexico or his duly authorized representative.

“Infestation” shall mean the presence within a dwelling or on premises of a dwelling of rodents, vermin, or other pests as determined through actual observation of them or by the evidence of their presence.

“Multiple Dwelling” shall mean any dwelling containing more than two dwelling units.

“Occupant” shall mean any person including an owner or operator residing in or having actual possession of a dwelling unit or rooming unit.

“Operator” shall mean any person who has charge, care, management, or control of any dwelling or part thereof in which dwelling units or rooming units are let or offered for occupancy.

“Owner” shall mean any person or persons who:

1. shall have legal or record title to any dwelling, dwelling unit, or dwelling premises;

2. shall have charge, care, or control of any dwelling, dwelling unit, or dwelling premises as an agent of the owner, executor, administrator, trustee, or guardian of the estate of the owner;

3. shall have an equitable interest in a dwelling, dwelling unit, or dwelling premises under a contract or bond for a deed with the person having legal or record title.

“Person” shall mean and include any individual, group of individuals, firm, corporation, association, or partnership.

“Rooming House” shall mean any dwelling, or part thereof, containing two or more rooming units in which space is rented or offered for rent by the owner or operator to be occupied or intended to be occupied by two or more persons who are not related by blood or marriage to the owner or operator. For the purposes of the Code, homes for the aged or other institutions licensed by the State shall not be regarded as “rooming houses.”

“Rooming Unit” shall mean any habitable room or rooms forming a single unit used, or intended to be used, for living exclusive of cooking or eating whether by a separate family or by two or more persons living in common or by a person living alone.

“Supplied” shall mean installed, furnished, or provided by the owner or operator at his expense.
SEC - 1-0 Title

This article shall be known as the “Town of Mexico Sex Offender Residency Restriction Ordinance.”

SEC 1-1 Findings and Purpose

The Town promotes and strives to create a safe environment for its citizens to live and raise families and considers the promotion of the safety and welfare of children to be paramount importance. The Town of Mexico recognizes that the sex offenders who prey upon children may have a high rate of recidivism. Notwithstanding the fact that certain persons convicted of sex offenses are sexually violent offenses are required to register pursuant to the Maine Sex Offender Registration and Notification Act of 1999, 34-A M.R.S.A. § 11201 et seq., as may be amended from time to time, the Town of Mexico finds that further protective measures are necessary and warranted to safeguard places where children congregate. The purpose of this ordinance is to provide such further protective measures while balance the interests and residential needs of sex offenders.

SEC 1-2 Authority

This ordinance is adopted in accordance with the provisions of 30-A M.R.S.A. § 3001 and 30-A M.R.S.A. § 3014, as may be amended from time to time.

SEC 1-3 Definitions

Setback – A 750 foot radius surrounding “Restricted Property.”

Designated sex offender(s) – Person(s) convicted of sex offenses committed against persons who had not attained 14 years of age at the time of the offense, regardless of whether the offense was committed in the state of Maine or another jurisdiction.

Residence – The temporary or permanent occupation or use of a place, including, but not limited to a domicile, for the purpose of living, residing or dwelling.

Restricted Property – (i) The real property compromising a public or private elementary, middle or secondary school; and (ii) the real property compromising a municipally-owned property or state-owned property or state-owned property that is leased to a nonprofit organization for purpose of a park, athletic field or recreation facility that is open to the public where children are the primary users. The following properties are considered Restricted Properties and are subject to change:
SEC 1-4 Restricted Property Map; Restrictions

A. The Town of Mexico Planning Board, with the assistance of the Mexico Police Department, shall prepare and file with the Mexico Town Clerk’s Office and Mexico Police Department an official map showing Restricted Property as defined by this ordinance. Said map is hereby incorporated herein and made a part of this ordinance. The Mexico Planning Board, with the Assistance of the Mexico Police Department shall by July of each year recommended updates to the map to the Mexico Board of Selectmen to reflect any changes in the locations of any Restricted Properties and Setbacks. The Mexico Selectmens Board may amend the Restricted Property official map by a vote from the Board of Selectmen, and any amended official map shall be filed with the Mexico Town Clerk’s office in the Mexico Police Department.

B. No Designated Sex Offender shall reside within the Setback of any Restricted Property.

SEC 1-5 Exceptions

A Designated Sex Offender maintaining a residence within the Setback of a Restricted Property is not in violation of this ordinance if the residence was established and consistently maintained as a residence prior to July 1, 2015, the date of adoption of this ordinance. A Designated Sex Offender is not in violation of this ordinance if the Restricted Property is created, moved or enlarged and such creation, movement or enlargement results in a Designated Sex Offender reside in within the Setback of a Restricted Property, as long as the residence was in place and consistently maintained prior to thereto.

SEC 1-6 Violations and Penalties

A. A designated Sex Offender who, thirty (30) days after actual receipt of written notice sent by regular mail or hand – delivered from the town, acted by and through its Police Department, is in violation of this ordinance shall be subject to an action brought by the town to enforce the requirements of this ordinance. The town may file a legal action against the violator seek in any and all remedies to which it is entitled pursuant to state and local laws, included, without limitation, declaratory and injunctive relief.

B. The town may also seek a penalty in the minimum amount of $500.00 per day. Each day of violation shall constitute a separate violation. In the event the town is the prevailing party in any action under this ordinance, it shall be entitled to an award of its reasonable attorney’s fees, court costs and the costs of any expert witness fees and incurred by the town. All civil penalties shall inure to the benefit of the Town of Mexico.
SEC 1-7 Severability

If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion therefore.

SEC 1-8 Public Display of Pictures

Sex offender's pictures will be displayed in all public properties as stated in SEC 1-3 for all to view.

**Adopted June 9, 2015

Attested: Penny D. Duguay,
           Town Clerk
SHORELAND ZONING ORDINANCE

MEXICO, MAINE

Adopted December 9, 1991
Amended June 9, 2009

Certified: Penny S. Duguay
Town Clerk
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Purposes</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Authority</td>
<td>1</td>
</tr>
<tr>
<td>3</td>
<td>Applicability</td>
<td>1</td>
</tr>
<tr>
<td>4</td>
<td>Effective Date</td>
<td>1</td>
</tr>
<tr>
<td>5</td>
<td>Availability</td>
<td>2</td>
</tr>
<tr>
<td>6</td>
<td>Severability</td>
<td>2</td>
</tr>
<tr>
<td>7</td>
<td>Conflicts with Other Ordinances</td>
<td>2</td>
</tr>
<tr>
<td>8</td>
<td>Amendments</td>
<td>2</td>
</tr>
<tr>
<td>9</td>
<td>Districts and Zoning Map</td>
<td>2</td>
</tr>
<tr>
<td>A.</td>
<td>Official Shoreland Zoning Map</td>
<td>3</td>
</tr>
<tr>
<td>B.</td>
<td>Scale of Map</td>
<td>3</td>
</tr>
<tr>
<td>C.</td>
<td>Certification of Official Shoreland Zoning Map</td>
<td>3</td>
</tr>
<tr>
<td>D.</td>
<td>Changes to the Official Shoreland Zoning Map</td>
<td>3</td>
</tr>
<tr>
<td>10</td>
<td>Interpretation of District Boundaries</td>
<td>3</td>
</tr>
<tr>
<td>11</td>
<td>Land Use Requirements</td>
<td>3</td>
</tr>
<tr>
<td>12</td>
<td>Non-conformance</td>
<td>3</td>
</tr>
<tr>
<td>A.</td>
<td>Purpose</td>
<td>3</td>
</tr>
<tr>
<td>B.</td>
<td>General</td>
<td>4</td>
</tr>
<tr>
<td>C.</td>
<td>Non-conforming Structures</td>
<td>4</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>10</td>
</tr>
<tr>
<td>C.</td>
<td>General Development District</td>
<td>10</td>
</tr>
<tr>
<td>D.</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, Wharfs, Bridges, and Other Structures</td>
<td>17</td>
</tr>
<tr>
<td>D.</td>
<td>Campgrounds</td>
<td>18</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>19</td>
</tr>
<tr>
<td>G.</td>
<td>Parking Areas</td>
<td>19</td>
</tr>
<tr>
<td>H.</td>
<td>Roads and Driveways</td>
<td>20</td>
</tr>
<tr>
<td>I.</td>
<td>Signs</td>
<td>22</td>
</tr>
<tr>
<td>J.</td>
<td>Storm Water Runoff</td>
<td>23</td>
</tr>
<tr>
<td>K.</td>
<td>Septic Waste Disposal</td>
<td>23</td>
</tr>
<tr>
<td>L.</td>
<td>Essential Services</td>
<td>23</td>
</tr>
<tr>
<td>M.</td>
<td>Mineral Exploration and Extraction</td>
<td>24</td>
</tr>
</tbody>
</table>
Section 15. Environmental Impact

N. Agriculture....................................................................................................................25
O. Timber Harvesting.......................................................................................................26
P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.........................................................................................................................28
Q. Erosion and Sedimentation Control............................................................................31
R. Soils................................................................................................................................32
S. Water Quality...............................................................................................................33
T. Archaeological Sites....................................................................................................33

Section 16. Administration................................................................................................33
A. Administering Bodies and Agents..............................................................................33
B. Permits Required..........................................................................................................33
C. Permit Application.......................................................................................................34
D. Procedure for Administering Permits........................................................................35
E. Special Exceptions.......................................................................................................36
F. Expiration of Permit.....................................................................................................37
G. Installation of Public Utility Service..........................................................................37
H. Appeals.........................................................................................................................37
I. Enforcement..................................................................................................................42

Section 17. Definitions........................................................................................................43
Shoreland Zoning Ordinance for the Municipality of Mexico, Maine

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 freshwater 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; 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 mark of Halfmoon Pond, Clarks Pond, Little Mud Pond, Mud Pond and the Mexico Reservoir;
   - (or to the extent of the) 100 year floodplain, whichever is greater, of the Swift River and Webb River;
   - normal high water line of the Androscoggin River, Thompson Hill Brook and Walton Brook, 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 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 December 9, 1991, 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 deemed 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. Repeal of Municipal Timber Harvesting Regulation. The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A section 438-B(5), at which time the State of Maine Department of Conservation’s Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A section 438-B(5), the following provisions of this Ordinance are repealed:

- Section 14. Table of Land Uses, Column 3 (Forest management activities except for timber harvesting) and Column 4 (Timber harvesting);
- Section 15(O) in its entirety; and
- Section 17. Definitions, the definitions of “forest management activities” and “residual basal area”.

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. General Development
4. 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.

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. The boundary of the 100 year floodplain shall be determined from the Town of Mexico, Flood Hazard Boundary Map dated May 15, 1981, and as may be amended.

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 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 that 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.

(c) No structure which is less than the required setback from the normal high-water line of a water body, tributary stream or upland edge of a wetland, shall be expanded toward the water body, tributary stream, or wetland.

(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 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 Nonconforming 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 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, 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 size 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 General Development I Districts need not be included within the Resource Protection District.

(1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, 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 October 1, 2008. 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, other than the Androscoggin, 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 and/or local knowledge.

Shoreland Zoning Ordinance
Amended June 9, 2009
(3) Areas of two or more contiguous acres with sustained slopes of 20% or greater.

(4) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

(5) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

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 General Development District.

C. **General Development District.** The General Development 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, or suitable for, manufacturing, fabricating, or other industrial activities;

(b) Areas devoted to, or suitable for, 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 discernable as having patterns of intensive commercial, industrial or recreational uses.

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

In areas adjacent to great ponds 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, and adjacent to rivers that flow to great ponds classified GPA.

D. **Stream Protection District.** The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area is 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
- **LR** - Limited Residential
- **GD** - General Development
- **SP** - Stream Protection

**Table 1. Land Uses in the Shoreland Zone.**

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>GD</th>
<th>SP</th>
<th>RP</th>
<th>LR</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Non-intensive recreational uses not requiring structures such as</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>hunting, fishing and hiking</td>
<td></td>
<td></td>
<td></td>
<td></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>
</tr>
<tr>
<td>3. Forest management activities except for timber harvesting &amp; land</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>management roads</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Timber harvesting</td>
<td>yes</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td>5. Clearing or removal of vegetation for activities other than timber harvesting</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
</tr>
<tr>
<td>---</td>
<td>-----------------------------------------------------------------</td>
<td>------</td>
<td>------</td>
<td>-----</td>
</tr>
<tr>
<td>6.</td>
<td>Fire prevention activities</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>7.</td>
<td>Wildlife management practices</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>8.</td>
<td>Soil and water conservation practices</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>9.</td>
<td>Mineral exploration</td>
<td>no</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>10.</td>
<td>Mineral extraction including sand and gravel extraction</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>11.</td>
<td>Surveying and resource analysis</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>12.</td>
<td>Emergency operations</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>13.</td>
<td>Agriculture</td>
<td>yes</td>
<td>PB</td>
<td>yes</td>
</tr>
<tr>
<td>14.</td>
<td>Aquaculture</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>15.</td>
<td>Principal structures and uses</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
</tr>
<tr>
<td></td>
<td>A. One and two family residential, including driveways</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>B. Multi-unit residential</td>
<td>no</td>
<td>no</td>
<td>PB</td>
</tr>
<tr>
<td></td>
<td>C. Commercial</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>D. Industrial</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>E. Governmental and institutional</td>
<td>no</td>
<td>no</td>
<td>PB</td>
</tr>
<tr>
<td></td>
<td>F. Small non-residential facilities for educational, scientific, or nature interpretation purposes</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
</tr>
<tr>
<td>16.</td>
<td>Structures accessory to allowed uses</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
</tr>
<tr>
<td>17.</td>
<td>Piers, docks, wharfs, bridges and other structures and uses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>extending over or below the normal high-water line or within</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. Temporary</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>b. Permanent</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18.</td>
<td>Conversions of seasonal residences to year-round residences</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
</tr>
<tr>
<td>19.</td>
<td>Home occupations</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>20.</td>
<td>Private sewage disposal systems for allowed uses</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
</tr>
<tr>
<td>21.</td>
<td>Essential services</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td></td>
<td>A. Roadside distribution lines (34.5kV and lower)</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
</tr>
<tr>
<td></td>
<td>B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
</tr>
<tr>
<td></td>
<td>C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td></td>
<td>D. Other essential services</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>22.</td>
<td>Service drops, as defined, to allowed uses</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>23.</td>
<td>Public and private recreational areas involving minimal structural development</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>24.</td>
<td>Individual, private campsites</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>25.</td>
<td>Campgrounds</td>
<td>no</td>
<td>no</td>
<td>PB</td>
</tr>
<tr>
<td>26.</td>
<td>Road construction</td>
<td>PB</td>
<td>no</td>
<td>PB</td>
</tr>
<tr>
<td>27.</td>
<td>Land management roads</td>
<td>yes</td>
<td>PB</td>
<td>yes</td>
</tr>
<tr>
<td>28.</td>
<td>Parking facilities</td>
<td>no</td>
<td>no</td>
<td>PB</td>
</tr>
<tr>
<td>29.</td>
<td>Marinas</td>
<td>PB</td>
<td>no</td>
<td>PB</td>
</tr>
<tr>
<td>30.</td>
<td>Filling and earth moving of &lt;10 cubic yards</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
</tr>
<tr>
<td>31.</td>
<td>Filling and earth moving of &gt;10 cubic yards</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
</tr>
<tr>
<td>32.</td>
<td>Signs</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>33.</td>
<td>Uses similar to allowed uses</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>34.</td>
<td>Uses similar to uses requiring a CEO permit</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>35.</td>
<td>Uses similar to uses requiring a PB permit</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
</tbody>
</table>

Shoreland Zoning Ordinance
Amended June 9, 2009
In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

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

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

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

See further restrictions in Section 15(L)(2).

Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.

Except as provided in Section 15(H)(4).

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.

Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

Except bridges and other crossings not involving earthwork, in which case no permit is required.

Except as provided in Section 15(H)(4).

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.

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>(1)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Residential per dwelling unit</td>
<td>40,000</td>
<td>200</td>
</tr>
<tr>
<td>(b) Governmental, Institutional, Commercial or Industrial per principal structure</td>
<td>60,000</td>
<td>300</td>
</tr>
<tr>
<td>(c) Public and Private Recreational Facilities</td>
<td>40,000</td>
<td>200</td>
</tr>
<tr>
<td>(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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(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.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Shoreland Zoning Ordinance
Amended June 9, 2009
(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 or 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, 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 District the setback from the normal high water line shall be at least twenty-five (25) feet, horizontal distance. 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) On a non-conforming lot of record on which only a residential 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, 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 floodplain 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 rivers that do not flow to great ponds classified GPA, 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;

Shoreland Zoning Ordinance
Amended June 9, 2009
(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

Shoreland Zoning Ordinance
Amended June 9, 2009
Environmental Protection pursuant to the Natural Resources Protection Act, 38 section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, Wharfs, 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 fish habitat.

(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 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 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, 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, 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 vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) 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 Code Enforcement Officer. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
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. The setback requirement for parking areas serving public boat launching facilities, in Districts other than the General Development 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.

Shoreland Zoning Ordinance
Amended June 9, 2009
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, 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.
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.

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).

Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

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.

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.

(8) 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, and Limited Residential:

(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. 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, 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) 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 (21/2:1) 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.

(4) 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 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; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five feet (25), 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; within seventy-five (75) feet,
horizontal distance of other water bodies, 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:

i. The ground is frozen;
ii. There is no resultant soil disturbance;
iii. 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;
vi. 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 1/2 feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and
v. 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 1/2 inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.

(2) Except in areas as described in 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, 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, 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 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.

*Shoreland Zoning Ordinance*
*Amended June 9, 2009*
(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.

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, 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 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 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:

*Shoreland Zoning Ordinance*

*Amended June 9, 2009*
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, 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 District.

(4) Legally existing non-conforming 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 manmade drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty five (25) year 24 hour storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

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 Sites. 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

Shoreland Zoning Ordinance
Amended June 9, 2009
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) A nonrefundable application fee of $25 shall be paid to the Town Clerk and a copy of the receipt of the same shall accompany the written application.

(2) 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.

(3) 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.

(4) 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.

Shoreland Zoning Ordinance
Amended June 9, 2009
(5) 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, what specific 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;

Shoreland Zoning Ordinance
Amended June 9, 2009
(6) Will protect archaeological and historic resources as designated in the comprehensive plan;

(7) Will avoid problems associated with floodplain development and use; and

(8) Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or 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 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 Code Enforcement Officer or Planning Board in the enforcement or 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 of 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 Town Clerk 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 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 schedule a public hearing on an administrative appeal or 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. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis, therefore, and the appropriate order, relief or denial thereof. 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 thirty (30) 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 an annual basis, a summary of this record shall be submitted to the Director of

Shoreland Zoning Ordinance
Amended June 9, 2009
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 green house 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.

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.

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.
**Driveway:** a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or two-family, 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:** the construction, alteration or maintenance of 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 weeks or months to a use's operating season; additional hours of operation; 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.

**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 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, inland waters and which cannot be located away from these waters. The uses include, but are not limited to recreational fishing and boating facilities, waterfront dock facilities, boatyards and boat building facilities, navigation aides, industrial uses requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site.

**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.

**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.

**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 equipment, bait and tackle shops, and 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.

Nonconforming 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.

Nonconforming 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.

Nonconforming 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: 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, wharfs, 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:

Alluvial  Cornish  Charles  Fryeburg  Hadley
Limerick  Lovewell  Medomak  Ondawa  Podunk
Rumney  Saco  Suncook  Sunday  Winooski

Recreational facility: a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational vehicle: a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a

Shoreland Zoning Ordinance
Amended June 9, 2009
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.

**River:** a free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

**Road:** a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

**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 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 wetland.

**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.

**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 guying 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.

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: the boundary between upland and wetland.

Upland edge of a wetland: the boundary between upland and wetland. 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.
Volume of a structure: the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body: any great pond, river, or stream.

Water crossing: any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include, but may not be limited to, roads, fords, bridges, culverts, water lines, sewer lines, and cables, as well as maintenance work on these crossings.

Wetland: a freshwater wetland.

Wetlands associated with great ponds and rivers: wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

Woody Vegetation: live trees or woody, non-herbaceous shrubs.
SITE PLAN REVIEW
ORDINANCE
FOR THE
TOWN OF MEXICO, MAINE
SITE PLAN REVIEW ORDINANCE

SECTION I  PURPOSE

Large scale development or major land use change can have a profound effect upon the cost and efficiency of municipal services and upon the environment of the Town of Mexico. Unplanned or poorly planned development may result in overcrowded schools and highways, increased costs of municipal services, degrading of the air and water quality as well as the general health, safety, and welfare of the residents.

The purposes of this Ordinance is to protect the public health, safety and welfare of the residents of the Town of Mexico, to implement the Comprehensive Plan and to insure an orderly growth and development of the Town.

SECTION II  AUTHORITY AND ADMINISTRATION

A.  Authority

1.  This Ordinance is adopted pursuant to Article VIII-A of the Maine Constitution and Title 30-A M.R.S.A. Section 3001 (Home Rule) and Section 4352.

2.  This Ordinance shall be known as the “Site Plan Review Ordinance” of the Town of Mexico, Maine.

B.  Administration

1.  The Planning Board of the Town of Mexico shall administer this Ordinance.

2.  No building permit or plumbing permit or certificate of occupancy shall be issued by the Planning Board, Code Enforcement Officer or Local Plumbing Inspector for any use or development within the scope of this Ordinance until a Site Plan of Development Application has been reviewed and approved by the Planning Board.

3.  All Site Plan approvals shall expire two (2) years after the date of approval unless substantial construction thereunder has commenced. If work is not completed within three (3) years from the date of approval, the approval lapses and a new application must be made and approved. The Planning Board may grant up to a twelve (12) month extension to these time periods upon request by the applicant and a showing that the time periods cannot be complied with due to circumstances beyond the control of the applicant. There will be no additional charge for application review provided the application is unchanged.

4.  All applications for Site Plan Review shall be made in writing to the Board on forms provided for that purpose and shall be by the owner of the property or the owner’s agent as designated in writing by the owner.
5. An application for Site Plan Review shall be accompanied by a fee as established by the Board of Selectmen who shall have the authority to revise the fee schedule to better reflect the actual cost to the town of administrating and enforcing the provisions of this Ordinance. Prior to revising the fee schedule the Selectmen shall hold a public hearing. This application fee shall be made by check payable to the Town of Mexico and shall not be refundable. The Planning Board shall not consider an application complete until the fees have been received by the Town.

6. If the services of outside consulting engineers or other professions are required by the Board to assist in the review of the application, or the amount or conditions of any performance guarantee that may be required, the Planning Board shall notify the applicant of the nature of such services, the firm or individual selected, and the cost of services. The cost of such services shall be paid by the applicant and evidence of such payment shall be provided to the Planning Board before the plan is approved.

C. Validity and Separability, Conflict with other Ordinances and Effective Date

1. Validity and Separability: 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 the Ordinance.

2. Conflict with Other Ordinances: Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code or statute, the more restrictive requirements shall apply.

3. Effective Date: The effective date of this Ordinance is \textit{Nov 4}, 1997, the date of its adoption at town meeting.

D. Repeal of the Existing Site Plan Review Ordinance

Adoption of this Ordinance shall repeal on the effective date of this Ordinance any and all previously enacted Site Plan Review Ordinances. This shall not prevent enforcement of the repleaded Ordinance(s) with respect to the time periods in which they were effective.

E. Amendments

This Ordinance may be amended by a majority vote of the Town Meeting. Amendments may be initiated by a majority vote of the Planning Board or by request of the Board of Selectmen to the Planning Board or on \textit{written} petition \textit{of a number of voters equal to at least} \textit{10\%} of the number of votes cast in the last gubernatorial election in the Town. The Selectmen shall conduct a public hearing on any proposed amendment.
SECTION III APPLICABILITY

A. This Ordinance shall apply to:

1. All development proposals for new, or substantial enlargements (an expansion by either 1,000 square feet or 25% in area {whichever is less provided such expansion involves at least 500 square feet} within any five-year period with regard to floor space, seating capacity, or outdoor storage area) of commercial, retail, industrial, institutional, public, and recreational structure(s) or uses and their accessory uses and structures.

2. Campgrounds.

3. “Change in Use,” including new uses of existing structures or land which would employ new materials and/or processes not normally associated with the existing or previous use.

4. The conversion of a one or two family dwellings into any of the uses identified in Section A.1 above.

5. Home Occupations when determined by the Code Enforcement Officer that Planning Board Site Plan Review is required.

B. This Ordinance does not apply to:

1. Construction of detached single family dwellings, two-family dwellings, and multi-family dwellings and accessory structures for the use of the residents thereof.

2. Construction of barns, stables, and other agricultural related buildings by and for the private use of families residing on the property on which the building is to be located.

3. All non-structural uses of land for agricultural or forestry purposes.

4. Home occupations which meet the following conditions do not need Site Plan approval.

   a. The home occupation is incidental and secondary to the primary residential use of the premises;

   b. Do not employ any persons who do not make the residence their permanent home;

   c. Do not display any exterior sign larger than eight (8) square feet, exterior exhibits, exterior storage of materials or any other exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory structure.
d. Do not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property; and

e. Are not likely to generate regular daily or seasonal traffic not associated with residential uses.

5. Home Occupations which do not meet the criteria in Section 4 above shall comply with Section VI.C.

SECTION IV APPLICATION PROCEDURE

A. Pre-Application Meeting

1. Prior to submitting an application for development, the developer or his authorized agent should appear informally at a regular or special meeting of the Planning Board to discuss the proposed development.

   The Planning Board, at this time, will also make a determination whether a change in the use requires Site Plan Review. If it does, the Board will inform the applicant of the submission requirements.

2. The developer shall present to the Planning Board, at this time for informal review and comment, a sketch plan of the proposed development. The sketch plan shall consist of a rough outline of the proposed development and may be a freehand, pencilled sketch of the parcel showing the proposed layout of buildings, roads, and other features which may be of assistance to the Planning Board in making its determinations.

3. The Planning Board may request that the developer arrange for an inspection of the site with the Planning Board, or an individual appointed by the Board Chairman to act as the Board’s representative.

4. No binding commitments shall be made between the developer and the Planning Board at this stage. The purpose of the pre-application meeting shall be to understand what is proposed and what is possible.

B. Site Plan Review Application Requirements

1. Applications for Site Plan Review approval shall be submitted on application forms provided by the town. The completed application form, required fees and the required plans and related information shall be submitted to the Planning Board no less than seven (7) days prior to the Planning Board’s regular scheduled meeting.
2. One copy of the plan(s), which may be reduced to 8 1/2" X 11", shall be mailed or delivered to each member of the Planning Board and Code Enforcement Officer at least seven (7) days prior to the Planning Board’s regular scheduled meeting. If the Planning Board deems necessary the applicant shall mail via certified mail, return receipt request, the application to the Fire Chief, Road Commissioner, Sewer Department and Water District no less than seven (7) days prior to the meeting. The applicant shall request that these individuals provide the Planning Board with comments upon the adequacy of their department's existing capacity to service the proposed development.

3. Notice to Abutters: Upon filling an application, abutting property owners including those across a road or street shall be notified by certified mail, return receipt requested by the Applicant, of a pending application for Site Plan Review. This notice shall indicate the time, date and location of the Planning Board’s consideration of the application. The applicant shall show proof that abutting property owners were notified. The Code Enforcement Officer shall maintain for the record all undeliverable notices required by this section.

C. Submission Requirements

When the owner of the property or his authorized agent makes formal application for site plan review, the application shall contain at least the following exhibits and information:

1. A fully executed and signed copy of the application for site plan review.

2. Two (2) copies of a site plan drawn at a scale sufficient to allow review of the items listed under the preceding general standards, but at not more than 50 feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:

   a. Owner's name, address and signature.

   b. Names and addresses of all abutting property owners.

   c. Sketch map showing general location of the site within the Town.

   d. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.

   e. If requested by the Planning Board or the Code Enforcement Officer, a perimeter survey of the parcel made and certified by a registered land surveyor pursuant to Rule 12, Standards of Practice, by the State Board of Regulation of Land Surveyors. This survey shall relate to reference points showing true north, graphic scale, corners of parcel and date of survey and total acreage;

   f. Zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two or more zoning districts.
g. Soil types and location of soil boundaries as certified by a registered engineer or soil scientist.

h. The location of all building setbacks.

i. The location, size, and character of all signs and exterior lighting.

j. The area of the parcel and street frontage and the zoning requirements for minimum lot size and frontage.

k. The location of all existing and proposed structures (including size and height), driveways, sidewalks, parking spaces, loading areas, open spaces, open drainage courses, signs, exterior lighting, service areas, easements, and landscaping.

l. The location of all buildings within 50 feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.

m. Existing and proposed topography of the site at two foot contour intervals if major changes to the existing topography are being proposed.

n. A storm water drainage plan showing:
   1. The existing and proposed method of handling storm water run-off.
   2. The direction of flow of the run-off through the use of arrows.
   3. The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers.
   4. Engineering calculations used to determine drainage requirements based upon a 10-year storm frequency, if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.

o. Location of aquifers and aquifer recharge areas, if mapped;

p. Location of wetlands, significant wildlife habitat, known or potential archaeological resources, scenic locations as identified in the Comprehensive Plan and historic buildings and sites to be developed or adjacent to the parcel;

q. Location and elevation of the 100-year flood plain;

r. If the development site is located in the direct watershed of a great pond, the name of that watershed shall be indicated on the plan;
s. A utility plan showing provisions for water supply and waste water disposal including the size and location of all piping, holding tanks, leachfields, etc.

t. Where the plan was prepared by an architect, engineer, surveyor, geologist, soil scientist or other professional licensed or certified and issued a seal by the State of Maine, the preparer's seal shall be affixed to the plan.

3. A written, narrative statement by the applicant that supplies the following information and is substantiated by the appropriate documents.

   a. evidence by the applicant of his title and interest in the land for which the application covers;

   b. a description of the proposed uses to be located on the site including: products to be manufactured, description of and volume of manufacturing by-products and wastes, type of products to be warehoused, and type of products to be sold;

   c. total floor area and ground coverage of each proposed building and structure and percentages of lot covered by each building or structure;

   d. a copy of the existing and/or proposed easements, restrictions and covenants placed on the property;

   e. method of solid waste disposal;

   f. erosion and sedimentation control plan;

   g. copies of letters mailed by the applicant to the abutting land owners notifying them of the proposed development; sent by certified mail, receipts to be returned to the Board;

   h. statement of financial capacity which should include the names and sources of the financing parties including banks, government agencies, private corporations, partnerships, and limited partnerships and whether these sources of financing are for construction loans or long-term mortgages or both;

   i. list of applicable local, state, and federal ordinances, statutes, laws, codes, and regulations which must be complied with or a permit issued before the project may begin;

   j. the applicant's evaluation of the availability and suitability of off-site public facilities including sewer, water, and streets;

   k. a statement from the Fire Chief as to the availability of fire hydrants and/or fire ponds or provisions of fire protection services;
l. if public water and/or sewer are to be used, a statement from the water and/or sewer district or utility as to the availability of public water and/or sewer lines;

m. a statement from either the Public Works Director or Foreman, Road Commissioner or Selectmen that the proposed road or street construction will meet town specifications;

n. an estimate of the date when construction will start and when the development will be completed;

o. a description of the current or most recent use of the building or land including type of products(s) sold or manufactured, operating hours, nature and number of patrons served on a daily basis, peak hours, and other items as the Planning Board may find necessary;

p. traffic data shall include the following when required by the Planning Board;
   1) the estimated peak hour and average daily traffic to be generated by the proposal;
   2) existing traffic counts on surrounding roads;
   3) traffic accident data covering the most recent three-year period for which such data is available.

q. the size, location, and direction and intensity of illumination of all outdoor lighting apparatus;

r. the type, size, and location of all machinery likely to generate appreciable noise at the lot lines;

s. if located in the direct watershed of a great pond, a phosphorous control plan prepared in accordance with Section V.12.

D. The Planning Board may waive any of the submission requirements when the Board makes written finding of fact that and determines that the scale of the project is of such magnitude as to make the information unnecessary.

SECTION V PERFORMANCE STANDARDS

A. The following standards are to be used by the Planning Board in judging applications for site plan reviews and shall serve as minimum requirements for approval of the site plan. The site plan shall be approved, unless in the judgement of the Planning Board the applicant is not able to reasonably meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application insuring the Board that the proposed site plan conforms to Mexico's Building Code and other applicable ordinances relating to lot size and density, setbacks, and lot coverage.
1. Preserve and Enhance the Landscape: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree removal, disturbance of soil, retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted that will define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties and/or structures in order to enhance the physical design of the building(s) or site, and to minimize the encroachment of the proposed use on neighboring land uses.

Environmentally sensitive areas which include wetlands, significant wildlife habitat, unique natural areas and archaeological sites as identified in the Comprehensive Plan should be considered by the Planning Board.

The Board shall assess the proposed activities' impact upon scenic areas and views as identified in the Comprehensive Plan. Where the Board finds that the proposed activity would have an undue adverse effect on identified scenic views, the Board shall require the applicant to minimize such effects.

2. Relationship of the Proposed Buildings to the Environment: Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity which have a visual relationship to the proposed buildings so as to have a minimally adverse affect on other environment and the aesthetic qualities of the developed and neighboring areas. The Planning Board shall consider the following criteria.

   a. Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.

   b. Buildings shall have good scale and be in harmonious conformance with permanent neighboring development.

   c. Mechanical equipment or other utility hardware excluding communication devices on roofs, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so visibility from any public way is minimized.

3. Vehicular and Pedestrian Access: The proposed site layout shall provide for safe entrances and exits from public and private roads by providing adequate locations, numbers and control of access points including site distances, turning lanes, and traffic signalization when required by existing and projected traffic flow on the municipal road system and for pedestrian ways within the development appropriate to the type and scale of the development. The Planning Board shall consider the following criteria.

   a. Vehicular Access: The proposed site layout shall give special consideration to the location, number, and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, and existing or proposed traffic signalization.

      1) The proposed development shall provide safe vehicular access to and from public and private streets. The applicant for a development to be located on a parcel of land of ten (10) acres or greater or five hundred (500) feet or
more of frontage on a public street shall file a conceptual Access Master Plan with the Planning Board. The conceptual Access Master Plan shall address the overall use of the parcel, the overall vehicular circulation system within the parcel and the coordination of access into and out of the site. The conceptual Access Master Plan shall demonstrate how the requirements for access as contained in this section will be met.

After the Conceptual Access Master Plan has been filed with the Planning Board, any application for approval shall be consistent with the plan unless a revised plan is filed.

a) Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

The Planning Board may approve a development not meeting this requirement if the applicant demonstrates that:

(1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or

(2) The applicant shall assume financial responsibility for the improvements necessary and will guarantee the completion of the improvements within one (1) year of approval of the project.

b) Any exit driveway or driveway land shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway from distances of between 10 and 15 feet behind the curbline or edge of the shoulder with the height of the eye 3.5 feet to the top of an object 4.25 feet above the pavement.

MINIMUM SIGHT DISTANCE

<table>
<thead>
<tr>
<th>Posted Speed Limit</th>
<th>MINIMUM SIGHT DISTANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 mph</td>
<td>250'</td>
</tr>
<tr>
<td>30 mph</td>
<td>300'</td>
</tr>
<tr>
<td>35 mph</td>
<td>350'</td>
</tr>
<tr>
<td>40 mph</td>
<td>400'</td>
</tr>
<tr>
<td>45 mph</td>
<td>450'</td>
</tr>
<tr>
<td>50 mph</td>
<td>500'</td>
</tr>
<tr>
<td>55 mph</td>
<td>550'</td>
</tr>
</tbody>
</table>
c) Where more than one business or structure is located on a single parcel, all vehicular access to and from a public or private road shall be via a common access or entrance way(s) serving all business and structures except as provided for herein.

d) The grade of any exit driveway or proposed street for a distance of fifty (50) feet from its intersection with any existing street will be a maximum of three (3) percent.

e) The intersection of any access drive or proposed street will function at a Level of Service of C or better, following development if the project will generate 400 or more vehicle trips per 24-hour period or a level which will allow safe access into and out of the project if less than 400 trips are generated.

f) Projects generating 400 or more vehicle trips per 24-hour period will provide two or more separate points of vehicular access into and out of the site.

g) The Planning Board may require the applicant to conduct a traffic impact study. In making the determination as to the need for a traffic impact study, the Planning Board shall consider the following:

(1) the proposed development will generate 100 or more peak hour site trips in the peak direction of flow (inbound or outbound).

(2) The existence of a current safety problem in the area: high accident location, confusing intersection, etc.

(3) Current or projected capacity deficiencies near the development.

(4) Sensitive neighborhood areas adjacent to the development.

(5) The proximity of site drives to other drives or intersections.

2) Vehicular access to Route 2 & 17 shall comply with the following provisions in addition to the above. Where conflicts exist between this subsection and above, this subsection shall apply.

a) Where a proposed development is to be located at the intersection of 2 or 17 and a minor or collector road, entrance(s) to and exit(s) from the site shall be located only on the minor or collector road, provided that this requirement may be waived where the applicant demonstrates that existing site conditions preclude the location of a driveway on the minor or collector road, or that the location of a driveway on the minor or collector road would conflict with residential areas.
b) Curb cuts or access points shall be limited to one per lot for all lots with less than the required road frontage as of the effective date of this ordinance. For lots with greater than 150 feet of frontage, a maximum of one curb cut per 150 feet of frontage shall be permitted to a maximum of two, provided the Planning Board makes a finding that (a) the driveway design relative to the site characteristics and site design provides safe entrance and exit to the site and (b) no other practical alternative exists.

c) The maximum number of curbcuts to a particular site shall be governed by the following:

(1) No low volume traffic generator shall have more than one two-way access onto a single roadway.

(2) No medium or high volume traffic generator shall have more than two two-way accesses in total onto Routes 2 or 17.

d) Curb cut widths and design shall conform to the following standards:

(1) Low volume driveways: Defined as driveways with less than 50 vehicle trips/day based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report, as the same may be amended from time to time shall:

   (a) have two-way operation;
   (b) intersect the road at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;
   (c) not require a median;
   (d) slope from the gutter line on a straight slope of 3 percent or less for at least 50 feet, with a slope no greater than 8 percent except where unique site conditions permit a waiving of the slope standard to 10 percent; and
   (e) comply with the following geometric standards:

   NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

<table>
<thead>
<tr>
<th>Item</th>
<th>Desired Value (ft.)</th>
<th>Minimum Value (ft.)</th>
<th>Maximum Value (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R</td>
<td>15-25*</td>
<td>10</td>
<td>15-25*</td>
</tr>
<tr>
<td>W</td>
<td>20-30*</td>
<td>20</td>
<td>24-30*</td>
</tr>
</tbody>
</table>

*Upper values apply where major street speed and/or volume is high.
(2) Medium volume driveways with more than 50 vehicle trips/day but fewer than 200 peak hour vehicle trips, based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report, as the same may be amended from time to time, and generally including all land uses not in the low or high volume groups shall:

(a) have either two-way or one-way operation and be a minimum of 50 feet in length;
(b) intersect the road at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;
(c) not require a median;
(d) slope upward from the gutter line on a straight slope of 3 percent or less for at least 50 feet and a slope of no more than 6 percent thereafter, with the preferred grade being a 4 1/2 percent, depending on the site; and
(e) comply with the following geometric standards;

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

<table>
<thead>
<tr>
<th>Item</th>
<th>Desired Value (ft.)</th>
<th>Minimum Value (ft.)</th>
<th>Maximum Value (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ONE WAY</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R1 (radius)</td>
<td>30</td>
<td>25</td>
<td>40</td>
</tr>
<tr>
<td>R2 (radius)</td>
<td>5</td>
<td>5</td>
<td>10</td>
</tr>
<tr>
<td>W (drive width)</td>
<td>20-24</td>
<td>20</td>
<td>24</td>
</tr>
<tr>
<td>TWO WAY</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R</td>
<td>30</td>
<td>25</td>
<td>40</td>
</tr>
<tr>
<td>WS</td>
<td>26-36*</td>
<td>24</td>
<td>30-40*</td>
</tr>
</tbody>
</table>

*Where separate left and right exit lanes are desirable.

(3) High volume driveway defined as driveways with more than 200 peak hour vehicle trips and generally 25,000 sq. ft. or more of retail space, or 75,000 sq. ft. or more of office space, or 150,000 sq. ft. or more of industrial space, shall:

(a) have two-way operations separated by a raised median of 6 to 10 feet in width and be a minimum of 50 feet in length.
(b) intersect with the road at an angle as close to 90 degrees as possible but at no less than 60 degrees;
(c) be striped for 2 to 4 lanes, with each lane 12 feet wide;
(d) slope upward from the gutter line on a straight slope of 3 percent or less for at least 75 feet and a slope of no more than 5 percent thereafter;

(e) have a "STOP" sign control and appropriate "Keep Right" and "Yield" sign controls for channelization; signalization may be required. Level of service and traffic signal warrants should be conducted for all high volume driveways; and

(f) comply with the following geometric standards;

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

<table>
<thead>
<tr>
<th>Item</th>
<th>Desired Value (ft.)</th>
<th>Minimum Value (ft.)</th>
<th>Maximum Value (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>W/O CHANNELIZATION</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R</td>
<td>50</td>
<td>30</td>
<td>50</td>
</tr>
<tr>
<td>R</td>
<td>24</td>
<td>20</td>
<td>26</td>
</tr>
<tr>
<td>W</td>
<td>6</td>
<td>6</td>
<td>10</td>
</tr>
<tr>
<td>W/CHANNELIZATION</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R</td>
<td>100</td>
<td>75</td>
<td>100</td>
</tr>
<tr>
<td>WD</td>
<td>24</td>
<td>20</td>
<td>26</td>
</tr>
<tr>
<td>M</td>
<td>6</td>
<td>6</td>
<td>10</td>
</tr>
<tr>
<td>WR</td>
<td>20</td>
<td>16</td>
<td>20</td>
</tr>
</tbody>
</table>

*For industrial developments with a high percentage of truck traffic maximum values are desired.

e) Distance from edge of driveway corner (point of tangency) to edge of intersection corner (point of tangency) shall be as follows:

<table>
<thead>
<tr>
<th>Driveway</th>
<th>Minimum Corner Clearance (feet)</th>
<th>Intersection Signalization</th>
<th>Intersection Unsignalization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Volume &lt;50-100 trips/day</td>
<td>150</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>Medium Volume &gt;50-100 trips/day &lt;200 trips/hour</td>
<td>150</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>High Volume &gt;200 trips/hour</td>
<td>500</td>
<td>250</td>
<td></td>
</tr>
</tbody>
</table>
f) The minimum distance between driveways shall be measured from the center of the driveways and shall be a function of highway need according to the following table. Where these standards would prohibit access to a lot, the Planning Board shall have the authority to waive the minimum spacing standards.

### MINIMUM DISTANCE BETWEEN DRIVEWAYS

<table>
<thead>
<tr>
<th>Highway Speed</th>
<th>Minimum Spacing</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 mph</td>
<td>85 feet</td>
</tr>
<tr>
<td>25 mph</td>
<td>105 feet</td>
</tr>
<tr>
<td>30 mph</td>
<td>125 feet</td>
</tr>
<tr>
<td>35 mph</td>
<td>150 feet</td>
</tr>
<tr>
<td>40 mph</td>
<td>185 feet</td>
</tr>
<tr>
<td>45 mph</td>
<td>230 feet</td>
</tr>
<tr>
<td>50 mph</td>
<td>275 feet</td>
</tr>
</tbody>
</table>

---

g) Minimum distance between driveways serving the same parcel, measured from point of tangency to point of tangency by type of driveway, shall be as follows:

### Minimum Spacing to Adjacent Driveway by Driveway Type

<table>
<thead>
<tr>
<th>Driveway Type</th>
<th>Medium feet</th>
<th>High w/o RT feet</th>
<th>High w/RT feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medium Volume</td>
<td>75</td>
<td></td>
<td></td>
</tr>
<tr>
<td>High Volume W/O RT (without right-turn channelization)</td>
<td>75</td>
<td>150</td>
<td></td>
</tr>
<tr>
<td>High Volume W/RT (with right-turn channelization)</td>
<td>75</td>
<td>250</td>
<td>500</td>
</tr>
</tbody>
</table>

---

h) The minimum distance between driveway to property line, as measured from point of tangency shall be: 
<table>
<thead>
<tr>
<th>Driveway Type</th>
<th>Minimum Spacing to Property Line (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Volume</td>
<td>10</td>
</tr>
<tr>
<td>Medium Volume</td>
<td>20</td>
</tr>
<tr>
<td>High Volume (without right-turn channelization)</td>
<td>75</td>
</tr>
<tr>
<td>High Volume (with right-turn channelization)</td>
<td>75</td>
</tr>
</tbody>
</table>

The minimum spacing to property line may be varied if (1) the safest point of access to the site is closer to the property line and (2) there are at least 20 feet of separation between low volume driveways serving adjacent parcels, 40 feet of separation between medium volume driveways, and 150 feet of separation between high volume driveways.

i) When the proposed development is to be located on the opposite side of an existing development, the driveway shall be directly opposite of the existing driveway or separated from the opposite driveway by a minimum of seventy-five (75) feet whenever possible.

j) When a conversion or expansion of an existing use occurs, access shall be upgraded to comply with these standards. This requirement may be waived upon a written finding that (a) the need to demolish or relocate an existing building on the site or (b) denial of full access to Routes 2 or 17 where full access presently exists and cannot be provided by Route 4 or 17 and/or adjacent side street.

4. Parking and Circulation

a. All streets, public or private, shall conform to or surpass the Town’s road standards. The layout and design of all means of vehicular and pedestrian circulation including walkways, interior roads, drives, and parking areas shall provide for safe general circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and the arrangement and use of parking areas.

b. A use shall not be extended and no structure shall be constructed or enlarged unless sufficient off-street parking space is provided that conforms to the following:

1) Parking areas with more than two (2) parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.

2) Where the development will abut an existing or potential parking area, provisions shall be made for internal vehicular connections.
3) Parking areas shall be designed to permit each motor vehicle to proceed to and from parking space provided for it without requiring the moving of any other motor vehicle.

4) Off-street parking spaces shall comply with the following standards.

   (a) Except as provided below, each parking space shall contain a rectangular area at least eighteen (18) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs and aisles, so long as the parking spaces so created contain within them the rectangular required by this section.

   (b) Up to twenty (20) percent of the required parking spaces needed may contain a rectangular area of only eight (8) feet in width by fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.

5) Off-street parking shall be provided to conform with the number required in the following:

   Retail one per 300 sq. ft. of gross floor area

   Office one per 200 sq. Ft. of gross floor area

   Wholesale/warehouse one per 1,200 sq. Ft. of storage or gross floor area

   Industrial/Manufacturing one per employee on maximum working shift

   Hotels, motels, tourist homes one per room plus ½ per employee

   Nursing/convalescent homes ½ per bed

   Schools
      Elementary one per classroom
      Secondary 5 per classroom

   Theaters/auditoria/churches one per five seats and one space per 100 sq. ft. of area for assembly

   Eating and drinking establishments one per three seats
For those uses not specifically listed or able to be placed into one of the above categories, there shall be sufficient off-street spaces to accommodate the normal parking demand as determined by the Planning Board.

6) Required off-street parking for lots which cannot provide their own parking because of location, lot size or other existing development may be substituted by parking facilities which, in the public’s interest, may be provided for by the Town of Mexico or private parking resources. No such public or private off-street parking shall be considered as a substitute unless located within 500 feet of the principal building or use as measured along lines of public access.

If the required off-street parking is to be provided by off-site private parking such areas shall be held in fee simple by the owner of the use served, or in other tenure as assures continued availability for parking as long as the particular land will be needed for such use provided that if the tenure is other than ownership in fee simple, the form of the tenure shall be approved by the Town Manager prior to final approval by the Planning Board.

7) The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.

8) The use of an existing building for its current use shall be deemed to be in compliance with the off-street parking requirements of this section. However, any change in the use above the first floor or any renovation which increases the floor area shall be required to comply with the required off-street parking requirements for the increased floor area.

5. Surface Water Drainage: Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality, soil erosion, or the public storm drainage system. Whenever possible, on-site absorption of run-off waters shall be utilized to minimize discharges from the site.

6. Existing Utilities: The development shall not impose an unreasonable burden on sewers, sanitary and storm drains, water lines, or other public utilities.

7. Advertising Features: The size, location, design, lighting, and materials of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties and shall not interfere with or obstruct pedestrian or vehicular traffic.
8. Special Features of the Development: Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings, and similar structures shall have sufficient setbacks and screening to provide an audio-visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

9. Exterior Lighting: All exterior lighting shall be designed to minimize adverse impact on neighboring properties and to insure the safe flow of pedestrian or vehicular traffic.

10. Emergency Vehicle Access: Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

11. Municipal Services: The development will not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, solid waste program, sewage treatment plan, schools, open spaces, recreational programs and facilities, and other municipal services and facilities.

12. Will not result in undue water pollution. In making this determination, it shall at least consider the evaluation of land above sea level and its relation to flood plains, the nature of soils and subsoils and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of land and its effect on effluents; the aquifer and aquifer recharge areas; the availability of streams for disposal of surface run-off; and the applicable federal, state and local laws, ordinances, codes, and regulations.

a. Phosphorus Export. When required by the Planning Board, projects proposed within the direct watershed of Halfmoon Pond shall be designed to limit phosphorous run-off.

1) Phosphorous export from the proposed development shall be calculated according to the procedures defined in “Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development” (Maine Department of Environmental Protection, September 1989 with revisions in 1992 and as may be revised). Upon request, copies of all worksheets and calculations shall be provided to the Planning Board.

2) Phosphorus control measures shall meet the design criteria contained in “Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development” (Maine Department of Environmental Protection, September 1989 with revisions in 1992 and as may be revised). The Planning Board shall require the reasonable use of vegetative buffers, limits of clearing, and minimizing road lengths, and shall encourage the use of other non-structural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.
13. Will not result in undue air pollution. In making this determination, the applicant shall consult federal and state authorities to determine applicable air quality laws and regulations, and furnish such evidence to the Board.

14. Have sufficient water available for the reasonably foreseeable needs of the development, or will not cause an unreasonable burden on an existing water supply, if one is to be utilized.

15. 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.

16. Will provide for adequate sewage waste disposal.

17. 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.

18. The applicant has adequate financial and technical capacity to meet the above standards.

19. Whenever situated in whole or in part, within 250 feet of any pond, lake, river, or wetland as delineated on the Town of Mexico, Official Shoreland Zoning Map, will not adversely affect the quality of such water body or unreasonably affect the shoreline of such body of water, and will be in compliance with the Shoreland Zoning Ordinance of the Town of Mexico.

20. Noise. The proposed development shall not raise noise levels to the extent that abutting and/or nearby residents are adversely affected.

a. The maximum permissible sound pressure level of any continuous, regular or frequent or intermittent source of sound produced by any activity shall be limited by the time period and land use which it abuts listed below. Sound levels shall be measured at least 4 feet above the ground at the property boundary of the source.

<table>
<thead>
<tr>
<th></th>
<th>7a.m. - 10.p.m.</th>
<th>10p.m. - 7a.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>55</td>
<td>45</td>
</tr>
<tr>
<td>Commercial</td>
<td>65</td>
<td>55</td>
</tr>
<tr>
<td>Industrial</td>
<td>70</td>
<td>60</td>
</tr>
</tbody>
</table>

c. The following uses and activities shall be exempt from the sound pressure level regulations.

1. Noise created by construction and temporary maintenance activities between 6:30 a.m. and 8:00 p.m.

2. The noise of safety signals, warning devices and emergency pressure relief valves and other emergency activity.

21. The proposed development will not produce offensive or harmful odors perceptible beyond the lot lines, either at ground level or habitable elevation.

22. Community Impact: The Planning Board may require the applicant to obtain, at the applicant's expense, a professional review of the impact of the development on off-site public improvements including any new public improvements that may be required to accommodate the development. A one-time "impact fee" may be charged to a new development, by the Town, to accommodate the new development, as determined by the Planning Board through professional review.

23. Water Supply. The development will not have unreasonable adverse effects on the quality or quantity of groundwater.

24. Erosion Control. The development will not cause undue sedimentation or erosion. A soil and water conservation plan reviewed by the Oxford County Soil and Water Conservation District may be required.

25. Pollution Control. The development will not cause undue air or water pollution.

25. Floodplain Protection. The proposed development will avoid problems associated with floodplain development and use.

26. The proposed development is in conformance with the Comprehensive Plan and other applicable ordinances.

SECTION VI SPECIAL REGULATIONS

A. The following regulations shall be complied with, in addition to the performance standards contained in Section V of this Ordinance.

B. Downtown Development District

1. The purpose of this District is to provide for greater flexibility in development review, to encourage business development, the utilization of vacant and/or underutilized space, maintain historic values and implement the policies of the Comprehensive Plan.
2. The Downtown Development District shall include the following areas as designated on the Downtown Development District map dated [insert date].

3. Review of Uses Requiring Site Plan Review:
   In the Downtown Development District the Code Enforcement Officer may approve a CEO Site Plan Review Application, if after an application is submitted (pursuant to Section IV) the Code Enforcement Officer, after written findings, finds the following:
   
   a. The proposed use will occupy an existing structure;
   
   b. The structure and/or property has been used for a similar use as determined by the Code Enforcement Officer within the past 12 months from the date of application;
   
   c. There are no external alterations to the property which would create additional floor space;
   
   d. The hours of operation shall be similar to the previous use;
   
   e. Parking standards as contained in Section V.A.4. will be met.
   
   f. If the Code Enforcement Office finds that the above standards will not be met, a Site Plan Review Application must be approved by the Planning Board.

4. First time signs and signs that replace existing signs in the Downtown Development District shall comply with the following:
   
   a. In the case of a multi-tenant development, it shall be the responsibility of the owner or property manager of such premise to allocate sign space upon the premise, under the terms of this section.
   
   b. On each premise, there shall be permitted one (1) wall or roof sign affixed to the exterior of the structure for each occupancy under common ownership, operation, or control therein. Such signs shall not occupy more than twenty (20) percent of the wall to which it is attached or is above. For the purpose of this section, wall is defined as the facade of the building up to the roof line excluding windows, doors, and major architectural features.
   
   c. Window and door signs are allowed without regard to the percentage of the door or window in which they are displayed.
   
   d. One projecting sign is permitted per structure, projecting signs shall extend no lower than ten (10) feet above ground level, projecting from the wall at an angle of ninety (90) degrees. No projecting sign shall exceed twenty-four (24) square feet.
e. One free standing sign is permitting per lot. No free standing sign shall be greater than twenty-four (24) square feet.

f. Awning and canopy signs are permitted. Canopies over fuel islands shall only advertise fuel and fuel products.

g. Signs shall be illuminated only by the following means:

1. A steady, stationary light(s) of single color shielded and directed solely at the sign and not casting light off the premises.

2. Interior, non-exposed, white lights of reasonable intensity.

C. Home Occupations

Home Occupations which do not meet the criteria contained in Section III.B4.a-e shall obtain a permit from the Planning Board and comply with the following conditions:

1. The business must be incidental and secondary to the primary residential use of the premises;

2. At least one member of the residential household must own the business and be actively involved in the business and have control over the business activities. There will be not more than two full or part-time employees working on the premises, other than immediate family members residing on the premises;

3. The appearance of the structure or accessory structure may not be altered, except as provided under subsection 4 below and the occupation within the residence must be conducted in a manner that would not cause the residence to differ from its residential character by means of colors, lights or sounds;

4. Additions to the residence or accessory structure for the express purpose of a home occupation shall be constructed and finished in the same manner as the original structure such that the character and appearance of the principal structure is maintained.

5. Retail sales shall be limited to the sale of products or goods produced, fabricated or substantially altered on the premises as a result of the home occupation. This may include products that are not manufactured on the premises as defined above, but which are customarily incidental to the product created by the home occupation.

6. There is adequate off-street parking on the premises for customer or client use.

7. There is no objectionable increase in commercial vehicle traffic over that traffic normal for the neighborhood.
8. It does not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, watercourse, or water body.

9. The home occupation shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property. All waste material from the home occupation shall be removed promptly from the premises, according to state laws and local ordinances.

D. Specific Standards

1. Mineral Extraction

   a. Any gravel pit which requires a permit from the Maine Department of Environmental Protection under the Site Location of Development Act shall obtain written approval from the Department of Environmental Protection and approval by the Planning Board under the Site Plan Review procedures of this Ordinance. In addition to the submissions requirements contained in Section IV.C., the application and development plan shall include items 1-15 in Section D.1.c. below.

   b. Any gravel pit or mineral extraction activity which will excavate more than one acre of land or which does not require a permit from the Maine Department of Environmental Protection shall require a permit from the Planning Board. In addition to the submissions requirements contained in Section IV.C., the application and development plan shall include items 1-12 in Section D.1.c. below.

   c. Submission Requirements

      1. The existing and proposed limits of excavation clearly delineated.

      2. Location, function and ground area of all structures, facilities, (processing equipment such as crushers, washers, screeners, and hot-mix asphalt facilities) parking lots, roads, and mud run-off areas.

      3. Entrance and exit layout.

      4. Gates or other means for controlling access.

      5. Pre- and post-development topography using an interval of ten foot contours for pits of less than five (5) acres and no greater than 10 foot contours for pits of five (5) acres or more if deemed necessary by the Planning Board.
6. Location of topsoil stockpile areas. Sufficient topsoil shall be salvaged for reclamation purposes.

7. Areas where natural vegetation will be left and where plantings will be made to screen the operation from view.

8. Slopes and vegetation for protecting adjacent structures.

9. Location of any test pits or borings and observation wells documenting the seasonal high water table.

10. Proposed disposal method or stumps and grubbings.

11. Plans and schedule for reclamation.

12. A spill prevention, control and countermeasure plan to control spills of petroleum products and other hazardous materials.

13. The phases of excavation and reclamation.

14. Surface drainage and watersheds on parcel, pre- and post-excavation.

15. For pits of five (5) acres or more, at least one cross section along the long axis of the pit and another cross section at a right angle to it. The cross section diagrams should show the existing grade, the proposed final grade including maximum depth of elevation, depth to ground water and the stratigraphy of the surficial deposits at the site.

d. Review Criteria and Standards

1. A natural buffer strip of not less than 50 feet shall be maintained between the location of any extraction of materials and all property lines. The existing vegetation within the natural buffer strip shall not be removed. This buffer strip may be reduced to 10 feet with written consent from abutting property owners and the Planning Board. The Planning Board may reduce the front setback to twenty five feet from the right-of-way of a public road, if in the opinion of the Planning Board, suitable buffers and fencing are provided.

2. Buffers may be eliminated between abutting properties containing pits provided the Planning Board is shown proof of written permission of the abutting pit owners.

3. All petroleum products shall be kept out of the pit and no refueling or oil changes shall be conducted in the pit unless such activities comply with applicable standards promulgated by the Maine Department of Environmental Protection and a spill prevention, control and countermeasure plan is provided.
4. There shall be no storage or dumping on the pit of any substances that could produce harmful leachate, unless such substances are placed under cover and on impermeable, spill-proof base. Such potentially deleterious substances include, but are not limited to salt, rubbish, creosote timber and petroleum products.

5. No oiling of access and haul roads is permitted.

6. No excavation within five (5) feet of the seasonal high water table may occur at any site unless sufficiently detailed information is submitted documenting the pre and post development contours of the seasonal high water table. Based upon seasonal ground water information, the Board may permit excavation to within two (2) feet of the seasonal high water table provide ground water will not be adversely affected. In lieu of pre and post development contours of the seasonal high water table, the Planning Board may approve a ground water monitoring program. Such a ground water monitoring program must include the following:

   a. a benchmark sufficient to verify the location of the seasonal high water table;

   b. one test pit or monitoring well must be established for each five acres of unreclaimed land;

   c. submittal of spring and fall monitoring reports documenting the seasonal high water table shall be submitted to the Planning Board within 14 days of such readings.

7. No ditches, trenches, pumping or other methods shall be used to lower the water table to permit more gravel extraction than could occur under natural conditions unless a plan for such activities has been approved by the Maine Department of Environmental Protection and the Planning Board.

8. Access to the pit shall be strictly controlled.

9. All final reclaimed slopes shall not exceed a horizontal to vertical ratio of 2:1.

10. The affective land shall be restored to a condition or physical state which either is similar to or compatible with that which existed prior to extraction, or encourages the future productive use of the land.

    The pit shall be reclaimed in phases so that the working pit (operation phase) does not exceed five (5) acres at any time.
Upon the completion of excavation, the side slopes of the pit shall be regraded within thirty (30) days. The thirty-day time limited by the extended with cause with a permit issued by be Code Enforcement Officer.

11. Stumps and grubblings shall be disposed of in a manner approved by the Planning Board and in conformance with all applicable State of Maine regulations.

12. Upon cessation of the extraction of materials or upon the expiration of the Planning Board approval, the site shall be rehabilitated in accordance with a plan approved by the Board.

13. Unless authorized pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A., Section 480-C no part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet of the normal high-water line of a great pond classified GPA, and within seventy-five (75) feet of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland as defined.

E. The Planning Board shall utilize the following standards in addition to the other criteria contained in this Section for reviewing development applications located on a mapped sand and gravel aquifer.

The boundaries of the sand and gravel aquifers shall be delineated on the Sand and Gravel Aquifer Map prepared by the Maine Geological Survey labeled Map 33 and and dated 1981. When boundaries of the sand and gravel aquifer are disputed due to the lack of sufficient detail on the available maps, the applicant, the applicant or agent may submit hydrological evidence prepared by a geologist, certified in the State of Maine, which identifies actual field locations of the aquifer boundaries within the project area.

1. No use shall dispose of other than normal domestic waste water on site without approval of the Planning Board. Disposal of waste water shall be in strict compliance with the Maine Subsurface Wastewater Disposal Rules and other relevant State and local laws, rules, and ordinances.

2. Indoor use or storage facilities where hazardous materials, wastes, or other liquids with the potential to threaten groundwater quality are used or stored shall be provided with containment which is impervious to the material being stored and have the capacity to contain 10 percent of the volume of the containers or 110 percent of the volume of the largest container, whichever is larger.

3. Petroleum and other hazardous material storage and transfer. A Spill Control and Countermeasure Plan shall be submitted and approved by the Planning Board.
4. In those areas identified as sand and gravel aquifers as defined in subsection E above, the following newly established land uses are prohibited unless the Planning Board finds that no discharges will occur such that water quality at the property line will fall below State Drinking Water Standards and all provisions of this Ordinance.

dry cleaners
photo processors
printers
auto washes
laundromats
meat packers/slaughter houses
salt piles/sand-salt piles
wood preservers
leather tanning
electrical equipment manufacturers
plastic/fiberglass fabricating
chemical reclamation facilities
industrial waste disposal/impoundment areas
graveyards
chemical manufacturing
pesticide/herbicide stores
metal platters
concrete/asphalt/coal companies

SECTION VII APPLICATION REVIEW

A. The application shall be filed with the Planning Board for review. Within 30 days of filing of an application, the Planning Board shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that a complete application has been filed, it shall notify the applicant in writing and begin its review of the proposed development.

B. The Planning Board may hold a public hearing within 30 days of the filing of a complete application. The Planning Board shall publish the time, date, and place of the hearing at least two times, the date of the first publication to be at least seven days prior to the hearing in a newspaper of area wide circulation. The abutting landowners shall be notified by the Planning Board of the hearing. Public hearings by the Planning Board shall be conducted according to the procedures outlined in Title 30-A M.R.S.A. Section 2691, Subsection 3 (A), (B), (C), (D), and (E).

C. Within 30 days of the public hearing or 60 days of receiving a complete application, the Planning Board shall either approve the application, approve the application with conditions, or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.
D. Within seven (7) days of reaching their decision, the Planning Board shall notify the applicant in writing of any action taken and the reason for taking such action.

E. The Planning Board may impose conditions on any site plan approval where the Board finds that such conditions are necessary to insure that the development will comply with the criteria and standards of this Ordinance. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.

F. Where the Planning Board makes written findings that the applicant will incur an unreasonable economic or other hardship if certain of the criteria or standards of this Ordinance are strictly applied, the Board may waive the necessity of strict compliance in order to permit a more practical and economical development, provided that the public health, safety and welfare will not be compromised and provided no other standards of this Ordinance are waived.

SECTION VIII  ENFORCEMENT

A. The Code Enforcement Officer shall act in all cases of violations of this Ordinance by notifying, in writing, the owner or lessor of the development and the Selectmen of the nature of the violation and the correction of the same, if possible. Said notification shall be deemed to have been made when sent to the owner or lessor by certified mail.

B. The Selectmen are charged with the prosecution for all violations of the provisions of the Ordinance. In cases where such notices referred to in Paragraph VIII A, above, are not promptly complied with after receipt of said notices, the Selectmen shall make such complaints to the courts as, in their judgement, are proper, or may institute such actions or proceedings at law or in equity as are proper to restrain, correct, remove or punish such violations.

C. Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof, shall be fined not less than $100.00 nor more than $2,500.00 as provided by State law. Each day on which the violation shall continue shall constitute a separate offense.

SECTION IX APPEALS

A. If the Planning Board or Code Enforcement Officer disapproves an application or grants approval with conditions that are objectionable to the applicant, or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the Ordinance does not apply, or that the true intent and meaning of the ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party may appeal the decision of the Planning Board in writing to the Board of
Appeals within 30 days of the Board’s decision. If it is shown after public hearing that the Planning Board or Code Enforcement Officer erred in the interpretation of this Ordinance in making a final decision, the Board of Appeals may affirm, amend or reverse the decision of the Planning Board or Code Enforcement Officer.

SECTION X  DEFINITIONS

Abutting Landowners: Owners of any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located across a public or private street or way from the lot in question.

Agricultural Land Management Practices: Means those devices and procedures utilized in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.

Accessory Use or Structure: A subordinate use of a building, other structure or land, or a subordinate building or other structure:

1. whose use is customary in connection with the principal building, other structure or use of land; and

2. whose use is clearly incidental to the use of the principal building, other structure or use of land; and

3. which is located on the same lot with the principal building, other structure or use of land, or on a lot adjacent to such lot if in the same ownership or part of the same establishment.

Building: Any structure having a roof or partial roof supported by columns or walls used for shelter or enclosure of person, animals, goods or property of any kind.

Campground: An 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.

Change in Use: The conversion of a building or parcel of land from one type of non-residential use to any other type of non-residential use. By way of example, the change from retail to office or retail to restaurant.

Commercial: Connected with the buying or selling or goods or services or the provision of facilities for a fee, exclusive of rental or residential buildings and/or dwelling units.

Dwelling Unit: A room or group of rooms designated and equipped exclusively for use as living quarters for one family including, provisions for living, cooking, and eating.
Forest Management Activities: Includes timber cruising and other forest resource evaluation activities, pesticide application, timer stand improvement, pruning, timber harvesting, and other forest harvesting, regeneration of forest stands, and other similar associated activities, but not the construction, creation, or maintenance of land management roads.

Freestanding Sign: Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure.

Home Occupation: An occupation or profession which is customarily conducted results in a product or service and is conducted in whole or in part on or in a residential structure, accessory structure to a residential use, or property 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.

Industrial: Connected with the assembling, fabrication, finishing, manufacturing, packaging, or processing of goods or the extraction of minerals.

Institutional: A building devoted to some public, governmental, education, charitable, medical or similar purpose.

Mineral Extraction: Any operation which within any twelve (12) successive month period removes more than 5,000 cubic yards of soil, topsoil, loam, sand, gravel, clay, peat, or other like material from its natural location, and to transport the product removed away from the extraction site.

Persons: Means any person, firm, association, partnership, corporation, municipal or other local governmental entity, quasi-municipal entity, state agency, educational or charitable organization or institution, or other legal entity.

Projecting Sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

Recreational Vehicle: A vehicle or vehicular attachment for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer, or motor home.

Retail: Connected with the sale of goods to the ultimate consumer for direct use and consumption, and not for trade.

Roof Sign: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof.

Sign: Any device, fixture, placard or structure that uses any color, form, graph, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
Structure: Anything constructed, erected or placed on the ground which is permanent, temporary, or mobile. Structure(s) include, but are not limited to: building(s), mobile homes, recreational vehicles, piers, floats, and storage and processing facilities. Boundary walls, fences and flag poles are not considered structures.

Substantial Construction: Completion of thirty (30) percent of a permitted structure or use measured as a percentage of the estimated cost.

Substantial Enlargement: An expansion by either 1,000 square feet or 25 percent in area (whichever is less provided such expansion involves at least 500 square feet) within any five (5) year period, with regard to floor space capacity or outdoor storage area.

Use: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; also any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Wall Sign: Any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall or any building or structure, which is supported by such wall or building and which displays only one sign surface.

Wetlands: Freshwater swamps, marshes, bogs and similar areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Signed:

Brian Elliott, Chairman
Arthur Bordeaux
Robert Lyons
Louise Waterhouse
Roland Arsenault
BOARD OF SELECTMEN
TOWN OF MEXICO

ATTEST: Penny S. Duguay, Town Clerk

MEXICO.SITE.ORD.3/15/97REVISED 10/2/97

32
TOWN OF MEXICO
SPECIAL AMUSEMENT ORDINANCE

ARTICLE I
TITLE, PURPOSE & DEFINITIONS

SECTION 1.1 TITLE
THIS ORDINANCE SHALL BE KNOWN AND MAY BE CITED AS TOWN OF MEXICO, SPECIAL AMUSEMENT ORDINANCE.

SECTION 1.2 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-A MRSA, SECTION 1054.

SECTION 1.3 DEFINITIONS
A. ENTERTAINMENT. FOR THE PURPOSES OF THIS ORDINANCE, ENTERTAINMENT SHALL INCLUDE ANY AMUSEMENT, PERFORMANCE, EXHIBITION, OR DIVERSION, FOR THE 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.

B. LICENSEE. FOR THE PURPOSES OF THIS ORDINANCE, 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 2.1 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 OR 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 FOR ALL SPECIAL AMUSEMENT PERMITS SHALL BE MADE IN WRITING TO THE MUNICIPAL OFFICERS AND SHALL STATE THE NAME OF THE APPLICANT; HIS/HER RESIDENCE; HIS/HER ADDRESS; THE NAME OF THE BUSINESS TO BE CONDUCTED; HIS/HER BUSINESS ADDRESS; THE NATURE OF HIS/HER BUSINESS; THE LOCATION TO BE USED; WHETHER THE APPLICANT HAS EVER HAD A LICENSE TO CONDUCT THE BUSINESS THEREIN DESCRIBED EITHER DENIED OR REVOKED AND, IF SO, THE APPLICANT SHALL DESCRIBE THOSE CIRCUMSTANCES SPECIFICALLY; WHETHER THE APPLICANT, INCLUDING ALL PARTNERS OR CORPORATE OFFICERS, HAS EVER BEEN CONVICTED OF A FELONY AND, IF SO, THE APPLICANT SHALL DESCRIBE SPECIFICALLY THOSE CIRCUMSTANCES; AND ANY ADDITIONAL INFORMATION AS MAY BE NEEDED BY THE MUNICIPAL OFFICERS IN THE ISSUING OF THE PERMIT, INCLUDING BUT NOT LIMITED TO A COPY OF THE APPLICANT’S CURRENT LIQUOR LICENSE.

NO PERMIT SHALL BE ISSUED UNDER THIS ORDINANCE, IF THE PREMISES AND BUILDING TO BE USED FOR THE PURPOSES DO NOT FULLY COMPLY WITH ALL ORDINANCES, ARTICLES, BYLAWS, RULES AND REGULATIONS, OF THE MUNICIPALITY, AND STATE LAW.
THE FEE FOR A SPECIAL AMUSEMENT PERMIT SHALL BE TEN ($10.00) DOLLARS. THE MUNICIPAL OFFICERS SHALL, PRIOR TO GRANTING A PERMIT AND AFTER REASONABLE NOTICE TO THE MUNICIPALITY AND THE APPLICANT, HOLD A PUBLIC HEARING WITHIN FIFTEEN (15) DAYS, OR SUCH OTHER NUMBER OF DAYS AS THE LEGISLATURE MAY SPECIFY, FROM 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, ARTICLES, BYLAWS, RULES AND REGULATIONS, OR STATE LAW.

A PERMIT SHALL BE VALID ONLY FOR THE LICENSE YEAR OF THE APPLICANT’S EXISTING LIQUOR LICENSE.

SECTION 2.2 INSPECTIONS
WHENEVER INSPECTIONS OF THE PREMISES USED FOR OR IN CONNECTION WITH THE OPERATION OF THE LICENSED BUSINESS WHICH HAS OBTAINED A SPECIAL AMUSEMENT PERMIT ARE PROVIDED FOR OR REQUIRED BY MUNICIPAL ORDINANCE, ARTICLES, BYLAWS, RULES AND REGULATIONS, OR STATE LAW, OR ARE REASONABLY NECESSARY TO SECURE COMPLIANCE WITH ANY OF THE ABOVE, IT SHALL BE THE DUTY OF THE LICENSEE, HIS EMPLOYEE, OR THE PERSON IN CHARGE OF THE PREMISES TO BE INSPECTED, TO ADMIT ANY OFFICER, OFFICIAL, OR EMPLOYEE, OF THE MUNICIPALITY AUTHORIZED TO MAKE THE INSPECTION AT ANY REASONABLE TIME THAT ADMISSION IS REQUESTED.

THE INSPECTION SHALL BE PROCEEDED BY A WRITTEN DEMAND FOR INSPECTION, WHICH SHALL SPECIFY THE DATE AND TIME INSPECTION IS SOUGHT. THE WRITTEN DEMAND SHALL BE DELIVERED TO THE LICENSEE, HIS EMPLOYEE, OR THE PERSON IN CHARGE OF THE PREMISES TO BE INSPECTED.

IN ADDITION TO ANY OTHER PENALTY WHICH MAY BE PROVIDED, THE MUNICIPAL OFFICERS MAY REVOKE, AFTER NOTICE AND HEARING, THE SPECIAL AMUSEMENT PERMIT OF ANY LICENSEE IN THE MUNICIPALITY WHO REFUSES TO PERMIT ANY SUCH OFFICER, OFFICIAL, OR EMPLOYEE, TO MAKE AN INSPECTION, OR WHO INTERFERES WITH SUCH OFFICER, OFFICIAL, OR EMPLOYEE, WHILE IN THE PERFORMANCE OF THEIR DUTY.

SECTION 2.3 SUSPENSION OR REVOCATION OF PERMIT
THE MUNICIPAL OFFICERS MAY, AFTER NOTICE AND HEARING, SUSPEND, OR REVOKE, ANY SPECIAL AMUSEMENT PERMIT WHICH HAS BEEN ISSUED UNDER THIS ORDINANCE ON THE GROUNDS THAT THE MUSIC, DANCING, OR ENTERTAINMENT, SO PERMITTED, OR ACTIVITIES RELATED THERETO, CONSTITUTE A DETRIMENT TO THE PUBLIC HEALTH, SAFETY, OR WELFARE, OR VIOLATES ANY MUNICIPAL ORDINANCES, ARTICLES, BYLAWS, RULES AND REGULATIONS, OR STATE LAWS.

SECTION 2.4 RULES AND REGULATIONS
SECTION 2.5 PERMIT AND APPEAL PROCEDURES
A. ANY LICENSEE REQUESTING A SPECIAL AMUSEMENT PERMIT FROM THE MUNICIPAL OFFICERS SHALL BE NOTIFIED IN WRITING OF THEIR DECISION NO LATER THAN FIFTEEN (15) DAYS, OR SUCH OTHER NUMBER OF DAYS AS THE LEGISLATURE MAY SPECIFY, 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 THIRTY (30) DAYS, OR SUCH OTHER NUMBER OF DAYS AS THE LEGISLATURE MAY SPECIFY, AFTER ANAPPLICATION FOR A PERMIT WHICH HAS BEEN DENIED.

B. ANY LICENSEE WHO HAS REQUESTED A PERMIT AND HAS BEEN DENIED, OR WHOSE PERMIT HAS BEEN REVOKED OR SUSPENDED, MAY, WITHIN THIRTY (30) DAYS OF THE DENIAL, SUSPENSION, OR REVOCATION, APPEAL THE DECISION TO THE MUNICIPAL BOARD OF APPEALS AS DEFINED IN 30 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 ARBITRARY OR CAPRICIOUS, OR THAT THE DENIAL, REVOCATION, OR SUSPENSION, WAS NOT BASED ON A VIOLATION OF ANY MUNICIPAL ORDINANCE, ARTICLE, BYLAW, RULE OR REGULATION, OR STATE LAW.

SECTION 2.6 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.

SECTION 2.7 LIVE ENTERTAINMENT REGULATION
THE PURPOSE OF THIS SECTION IS TO REGULATE NUDITY AS A FORM OF LIVE ENTERTAINMENT IN THOSE ESTABLISHMENTS AT WHICH ALCOHOLIC BEVERAGES ARE SERVED OR CONSUMED, AND WHICH ARE LICENSEES UNDER THIS ORDINANCE.

NO LICENSEE SHALL PERMIT ENTERTAINMENT ON THE LICENSED PREMISES WHETHER PROVIDED BY PROFESSIONAL ENTERTAINER(S), EMPLOYEES OF THE LICENSED PREMISES, OR ANY OTHER PERSON, WHEN THE ENTERTAINMENT INVOLVES:

A. THE PERFORMANCE OF ACTS, OR SIMULATED ACTS, OF SEXUAL INTERCOURSE, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;

B. THE ACTUAL OR SIMULATED TOUCHING, CARESSING, OR FONDLING OF THE BREASTS, BUTTOCKS, ANUS, OR GENITALS;

C. THE ACTUAL OR SIMULATED DISPLAYING OF THE GENITALS, PUBIC HAIR, BUTTOCKS, ANUS, OR ANY PORTION OF THE FEMALE BREASTS AT OR BELOW THE AREOLA AREA THEREOF;

D. THE PERMITTING BY ANY LICENSEE OF ANY PERSON TO REMAIN IN OR UPON THE LICENSED PREMISES WHO EXPOSES TO ANY PUBLIC VIEW ANY PORTION OF HIS OR HER GENITALS OR ANUS OR FEMALE BREASTS BELOW THE AREOLA AREA THEREOF.

FOR THE PURPOSE OF THIS SECTION, DISPLAY OR DISPLAYING AND EXPOSE OR EXPOSING SHALL MEAN UNCLADDED OR UN-COSTUMED OR NOT COVERED BY A FULLY OPAQUE CLOTH OR TEXTILE MATERIAL OR TO EMPLOY ANY DEVICE OR COVERING WHICH IS INTENDED TO GIVE THE APPEARANCE OF OR TO SIMULATE THE GENITALS, PUBIC HAIR, BUTTOCKS, ANUS OR THE PORTIONS OF THE FEMALE BREASTS AT OR BELOW THE AREOLA AREA THEREOF.
ARTICLE III
PENALTY, SEPARABILITY & EFFECTIVE DATE

SECTION 3.1 PENALTY
WHOEVER VIOLATES ANY OF THE PROVISIONS OF THIS ORDINANCE SHALL BE PUNISHED BY A FINE OF NOT MORE THAN FIVE HUNDRED ($500.00) DOLLARS FOR EACH OFFENSE. EACH DAY THAT A VIOLATION OCCURRED SHALL BE CONSIDERED A SEPARATE OFFENSE.

SECTION 32. SEPARABILITY
THE INVALIDITY OF ANY PROVISION OF THIS ORDINANCE SHALL NOT INVALIDATE ANY OTHER PROVISION.

SECTION 3.3 EFFECTIVE DATE
THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE WHEN ENACTED.

ADOPTED: 6/7/99

ARTHUR BORDEAU, CHAIRMAN

ROLAND ARSENAULT

LOUISE WATERHOUSE

ROBERT LYONS

BRIAN ELLIOTT
SELECTMEN, TOWN OF MEXICO
TOWN OF MEXICO

STREET STANDARDS ORDINANCE

Adopted June 7, 1999
Fact Sheet
Proposed Town of Mexico Street Standards Ordinance

In 1962 the Town of Mexico adopted a requirement that before the acceptance of a street, it shall have a right of way of not less than 50 feet; shall be properly paved and drained and shall have a gravel to a depth of 12 inches for a width of 30 feet. These standards are not sufficient to assure that new streets will be constructed to current day standards and that they will not require expenditures of public funds to bring them to current day standards.

The proposed Street Standards Ordinance requires that the construction of new public and private streets be designed and constructed to be safe and durable. The proposed Ordinance does not set standards for driveways, farm roads or logging roads and are not regulated by the proposed Ordinance.

The proposed Street Standards Ordinance contains two major sections or parts. They are as follows.

Application Requirements

This Section identifies the type of information that a person proposing to construct a new street whether public or private must provide the Planning Board. This information allows the Planning Board with advice from the Road Commissioner to assure that new streets are designed and constructed to provide for safe movement of vehicles and the materials used in construction will hold up to many years of use. Road profiles and cross section, drainage plans, grade, curve data, type of curbs and sidewalk designs are the type of information the Ordinance requires from an applicant.

Street Design Standards

The second major section of the proposed Ordinance is the standards to which street must be constructed. These are requirements that the Planning Board would use in their review and approval of a new street. They are designed to provide for the safe movement of vehicles and a road that will last many years with minimum expenditures. Roadway with, maximum grade roadway crown, depth of base material and type of pavement are included in these standards.

The Town of Mexico Comprehensive Plan adopted in 1996 recommended a new Street Standards Ordinance. In developing the proposed Street Standard Ordinance the Planning Board used the Comprehensive Plan to guide them along with the advice of the Road Commissioner.
TABLE OF CONTENTS

SECTION I. State of Purpose ................................................................. 1

SECTION II. Authority, Administration, and Effective Date ................................................................. 1
   A. Authority .................................................................................. 1
   B. Administration ........................................................................ 1
   C. Effective Date .......................................................................... 1

SECTION III. Applicability ........................................................................... 1
   A. New Construction ..................................................................... 1
   B. Alterations .............................................................................. 1
   C. Higher Design and Construction Standards ............................. 1

SECTION IV. Application Procedures ............................................................ 1
   A. Submission Requirements ....................................................... 1
   B. Plans ..................................................................................... 2
   C. Streets Within Proposed Subdivisions ..................................... 2
   D. Application Fee ....................................................................... 2
   E. Application Review .................................................................. 2

SECTION V. Public Acceptance of Streets ......................................................... 3

SECTION VI. Street Design Standards ............................................................ 3
   I .................................................................................................. 4
   J. Dead End Streets ..................................................................... 4
   K. Grades, Intersections, and Site Distances ................................. 4
   L. Common Driveways ................................................................. 5
   M. Sidewalks .............................................................................. 5
   N. Curbs ..................................................................................... 6

SECTION VII. Street Construction Standards .................................................. 6
   A. Minimum thickness of material after compaction .................... 6
   B. Preparation ............................................................................ 6
   C. Bases and Pavement ................................................................. 7
   D. Scenic View Locations ............................................................. 7

SECTION VIII. Additional Improvements and Requirements ............................. 7
   A. Erosion Control ...................................................................... 7
   B. Cleanup .................................................................................. 7
   C. Street Names, Signs, and Lighting ........................................... 7

SECTION IX. Certification of Construction .......................................................... 8

SECTION X. Performance Guarantees ............................................................ 8
   A. Types of Guarantees ................................................................. 8
   B. Contents of Guarantee ............................................................. 8
   C. Escrow Account ...................................................................... 8
   D. Performance Bond .................................................................. 8
   E. Letter of Credit ...................................................................... 8
SECTION I. State of Purpose

The purpose of these standards are to promote the health, safety, and public welfare of the residents of Mexico through establishing minimum construction standards for streets and sidewalks.

SECTION II. Authority, Administration, and Effective Date

A. Authority: This ordinance is enacted pursuant to and consistent with Article VIII-A of the State of Maine Constitution and Title 30-A, MRSA Section 3001.

B. Administration: This ordinance shall be administered by the Planning Board.

C. Effective Date: The effective date of this ordinance is June 7, 1999.

SECTION III. Applicability

A. New Construction: The standards contained in this ordinance shall apply to the construction of all new streets and sidewalks within the Town of Mexico whether public or private. No street shall be accepted as a town way unless they meet the provisions of this ordinance.

B. Alterations: Alterations, widening, and improvements shall be consistent with Section VII. Street Construction Standards.

C. Higher Design and Construction Standards: Nothing in this ordinance shall be construed to prevent the design and construction of streets which meet higher standards, use improved methods, or higher quality materials.

SECTION IV. Application Procedures

Prior to the construction of any new street or the reconstruction or lengthening of an existing street, the applicant shall request to be placed on the Planning Board's agenda at least seven (7) days in advance of the meeting by contacting the Town Manager and Code Enforcement Officer.

The completed application form, required fees, and required plans and related information shall be submitted to the Town Manager no less than seven (7) days prior to the meeting of the Planning Board.

In addition, one copy of the plan(s) which may be reduced to a size of 8 1/2 by 11 inches and all accompanying information shall be submitted by the applicant to each Board member, Code Enforcement Officer, Road Commissioner and Fire Department no less than seven (7) days prior to the meeting containing the following information.

A. Submission Requirements

1. The name(s) of the applicant(s).

2. The name(s) of the owner(s) on record of the land upon which the proposed street is to be located.

3. A statement of any legal encumbrances of the land upon which the proposed street is to be located.
4. The anticipated starting and completion dates of each major phase of street construction.

5. A statement indicating the nature and volume of traffic expressed in Average Daily Traffic expected to use the proposed street.

B. Plans: The plans and illustrations submitted as part of the application shall be prepared by a Registered Land Surveyor or Professional Engineer to include the following information.

1. The scale of the plan. (All streets and roadway plan and profile drawings shall be drawn to a scale of 1" = 50' horizontal and 1" = 5' vertical.

2. The direction of magnetic north.

3. A plan profile and typical cross section views of all proposed streets.

4. The starting and ending point with relation to established roads, streets, or ways and any planned or anticipated future extensions of the streets. (All terminal points and the center line alignment shall be identified by survey stationing).

5. The roadway and roadway limits with relation to existing buildings and established landmarks.

6. Dimensions, both lineal and angular, necessary for locating boundaries and necessary for locating subdivisions, lots, easements, and building lines.

7. The lots, if any, as laid out and numbered on said street showing the names of all owners of abutting property.

8. All natural waterways and watercourses in or on land contiguous to the said streets or ways.

9. The kind, size, location, profile, and cross-section of all existing and proposed drainage ways and structures and their relationship to existing natural waterways.

10. A soil erosion and sedimentation control plan showing interim and final control provisions.

11. Curve data for all horizontal and vertical curves shall be the center line radius, arc length, beginning of curve, and end of curve points.

12. All center line gradients shall be shown and expressed as a percent.

13. All curve and property line radii of intersections.

14. Size, type and location of all existing and proposed overhead and underground utilities, to include but not limited to, water, sewer, electricity, telephone, lighting and cable television.

15. The location and elevation of the 100-year floodplain, if any.

16. The name(s) of each proposed new road or street.

C. Streets Within Proposed Subdivisions: Streets proposed as part of a subdivision as defined in the Town of Mexico Subdivision Ordinance shall be submitted to the Planning Board as an integral part of the Subdivision Application.

D. Application Fee: An application fee of $50.00 shall be paid to the Town of Mexico upon submission of an application. The Selectmen shall have the authority to review and revise the application fee. The application fee shall be waived if the street is being reviewed as an element of a Subdivision Application.
E. Application Review

1. Complete Application: Within thirty (30) days from the date of receipt, the town office on behalf of the Board shall notify the applicant in writing either that the application is complete, or if incomplete, the specific additional material needed to make them complete. Determination by the Board that the application is complete in no way commits or binds the Board as to the adequacy of the application to meet the requirements of this Ordinance.

2. Application Approval: The Board shall, within thirty (30) days of a public hearing or within sixty (60) days of having received the completed application or within such other time limit as may be mutually agreed to, deny or grant approval on such terms and conditions as it may deem advisable to satisfy this Ordinance and to preserve the public health, safety, and general welfare. In all instances, the burden of proof shall be upon the applicant. In issuing its decision, the Board shall make a written finding of fact establishing that the application does or does not meet the provisions of this Ordinance.

3. Public Hearing: The Board may hold such public hearing within thirty (30) days of having notified the applicant in writing that a complete application has been received and shall cause notice of the date, time, and place of such hearing to be given to the applicant, all property owners abutting the proposed street, and published in a newspaper of general circulation in Mexico at least two (2) times; the date of the first publication shall be at least seven (7) days prior to the hearing.

SECTION V. Public Acceptance of Streets

The approval by the Planning Board of a proposed public street shall not be deemed to constitute or be evidence of any acceptance by the Town of Mexico of the street. Final acceptance of a proposed public street shall be by an affirmative vote at a Town Meeting.

SECTION VI. Street Design Standards

A. Design standards shall be met by all streets and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.

B. Streets shall be designed to discourage through traffic within a residential subdivision.

C. The character, extent, width, and grade of all streets shall be considered in their relation to existing or planned streets.

D. Any street serving a subdivision expected to generate average daily traffic of 200 trips per day or greater shall have at least two street connections with existing streets.

E. Where a subdivision street enters Route 2 or 17, no residential lot may have vehicular access directly onto these Routes. This requirement shall be noted on the Plan and in the deeds on any lot with frontage on both Route 2 or 17 and the subdivision street.

F. When a street will be constructed or altered, suitable shoulders and/or turnouts shall be provided at significant view locations as identified in the Town of Mexico Comprehensive Plan.

G. Privately-owned streets serving four (4) dwelling units or less shall not require pavement.
H. The following design standards apply according to street classification:

<table>
<thead>
<tr>
<th>Description</th>
<th>Collector</th>
<th>Minor</th>
<th>Privately Owned Street</th>
<th>Mobile Home Park(3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum right-of-way width</td>
<td>60 feet</td>
<td>50 feet</td>
<td>50 feet</td>
<td>23 feet</td>
</tr>
<tr>
<td>Minimum pavement width/travelway width</td>
<td>24 feet</td>
<td>20 feet</td>
<td>20 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Minimum grade</td>
<td>.5 percent</td>
<td>.5 percent</td>
<td>.5 percent</td>
<td>.5 percent</td>
</tr>
<tr>
<td>Maximum grade(1)</td>
<td>10 percent</td>
<td>10 percent</td>
<td>12 percent</td>
<td>12 percent</td>
</tr>
<tr>
<td>Minimum centerline radius</td>
<td>200 feet</td>
<td>150 feet</td>
<td>150 feet</td>
<td>150 feet</td>
</tr>
<tr>
<td>Minimum tangent between curves of reverse alignment</td>
<td>200 feet</td>
<td>100 feet</td>
<td>100 feet</td>
<td>100 feet</td>
</tr>
<tr>
<td>Roadway crown</td>
<td>1/4&quot;/ft.</td>
<td>1/4&quot;/ft.</td>
<td>3/4&quot;/ft.</td>
<td>3/4&quot;/ft.</td>
</tr>
<tr>
<td>Minimum angle of street intersections(2)</td>
<td>90 degrees</td>
<td>75 degrees</td>
<td>75 degrees</td>
<td>75 degrees</td>
</tr>
<tr>
<td>Maximum grade within 75 feet of intersection</td>
<td>3 percent</td>
<td>3 percent</td>
<td>3 percent</td>
<td>3 percent</td>
</tr>
<tr>
<td>Minimum curb radii at intersections</td>
<td>20 feet</td>
<td>15 feet</td>
<td>15 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Minimum r-o-w radii at intersections</td>
<td>10 feet</td>
<td>10 feet</td>
<td>10 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>Minimum width of shoulders (each side)</td>
<td>3 feet</td>
<td>3 feet</td>
<td>3 feet</td>
<td>N.A.</td>
</tr>
</tbody>
</table>

1. Maximum grade may be exceeded for a length of 200 feet or less within each 1,000.
2. Street intersections shall be as close 90 degrees as feasible but not less than the list angle.
3. Streets in Mobile Home Parks shall comply with the requirements contained in Title 30-A M.R.S.A. Section 4358.

I. The centerline of the roadway shall be the centerline of the right-of-way.

J. Dead End Streets: In addition to the design standards above dead-end streets shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii. Property line 60 feet; outer edge of travelway 50 feet. The Planning Board may allow a T-shaped turn-around which shall be 24 feet wide and 40 feet long.

K. Grades, Intersections, and Site Distances

1. Grades of all streets shall conform in general to the terrain so that cut and fills are minimized while maintaining the grade standards above.

2. Where new street intersections or driveway curb-cuts are proposed, site distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver's seat of a vehicle that is a minimum of ten (10) feet behind the curbline or edge of the shoulder, with a height of the eye 3.5 feet, to the top of an object 4.25 feet above the street surface.

<table>
<thead>
<tr>
<th>Posted Speed Limit (MPH)</th>
<th>25</th>
<th>30</th>
<th>35</th>
<th>40</th>
<th>45</th>
<th>50</th>
<th>55</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sight Distance</td>
<td>250</td>
<td>300</td>
<td>350</td>
<td>400</td>
<td>450</td>
<td>500</td>
<td>550</td>
</tr>
</tbody>
</table>
Where necessary, corner lots shall be cleared of all growth and site obstructions including ground excavation to achieve the required visibility.

3. Cross (four-cornered) street intersections shall be avoided insofar as possible except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of 125 feet shall be maintained between centerlines of non-collector streets and 200 feet between collectors or a collector and a non-collector street.

L. Common Driveways:

1. Common driveways may serve two single-family dwelling units. The Code Enforcement Officer shall review and approve all plans for common driveways.

2. The following design and construction standards shall apply to common driveways.

   Minimum travel width: 12 feet
   Minimum angle of street intersections: 75 degrees
   Maximum grade within 30 feet of intersections: 3 percent

3. Erosion and sedimentation Control: Adequate provisions shall be undertaken to minimize erosion and sedimentation.

M. Sidewalks:

The Planning Board with advice from the Road Commissioner may require the installation of sidewalks. Where installed, sidewalks shall meet the following minimum requirements.

1. Sidewalks may be located adjacent to the curb or shoulder but it is recommended that sidewalks be a minimum of 2 1/2 feet from the curb facing or edge of shoulder if the street is not curbed.

2. Where utilities and other appurtenances are present within five (5) feet of the curb the sidewalk shall be a minimum of seven (7) feet in width. Where no utilities are present, the minimum width shall be five (5) feet.

3. Bituminous Sidewalks

   a. The subbase aggregate course shall be no less than 12 inches thick after compaction
   b. The hot bituminous pavement surface shall be no less than two (2) inches after compaction.

4. Portland Cement Concrete Sidewalks.

   a. The subbase aggregate shall be no less than 12 inches after compaction.
   b. The portland cement concrete shall be reinforced with six (6) inch square, number 10 wire mesh and shall be no less than four inches thick.

5. Curb-Cut Ramps

Sidewalks shall be designed with curb-cut ramps at all pedestrian crosswalks to provide adequate access for the safe and convenient movement of physically handicapped persons.
N. Curbs

The Planning Board with advice from the Road Commissioner may require the installation of curbs. The type of curb required shall be as recommended by the Road Commissioner.

SECTION VII. Street Construction Standards

A. Minimum thickness of material after compaction:

<table>
<thead>
<tr>
<th>Material</th>
<th>Collector</th>
<th>Minor</th>
<th>Privately Owned Street</th>
<th>Mobile Home Parks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aggregate Sub-base Course (compacted)</td>
<td>24&quot;</td>
<td>18&quot;</td>
<td>18&quot;</td>
<td>18&quot;</td>
</tr>
<tr>
<td>Crushed Aggregate Base Course (when required)</td>
<td>3&quot;</td>
<td>3&quot;</td>
<td>3&quot;</td>
<td>3&quot;</td>
</tr>
<tr>
<td>Hot Bituminous Pavement</td>
<td></td>
<td></td>
<td>(1)</td>
<td></td>
</tr>
<tr>
<td>Total Thickness</td>
<td>3&quot;</td>
<td>3&quot;</td>
<td>3&quot;</td>
<td>3&quot;</td>
</tr>
<tr>
<td>Surface Course</td>
<td>1&quot;</td>
<td>1&quot;</td>
<td>1&quot;</td>
<td>1&quot;</td>
</tr>
<tr>
<td>Base Course</td>
<td>2&quot;</td>
<td>2&quot;</td>
<td>2&quot;</td>
<td>2&quot;</td>
</tr>
</tbody>
</table>

(1) Any privately-owned street serving four dwelling units or less shall not require pavement.

B. Preparation

1. Before any clearing has started on the right-of-way, the centerline and side lines of the new road shall be staked or flagged at 50-foot intervals.

2. Before grading is started, the entire right-of-way shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders, and tree stumps shall be removed from the travelway, shoulders, and drainageways.

3. All organic materials shall be removed to a depth of 2 feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of 2 feet below the subgrade of the roadway. On soils which have been identified as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below.

4. Side slopes shall be no steeper than a slope of 3 feet horizontal to 1 foot vertical and shall be graded, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.
C. Bases and Pavement

1. Bases
   a. The sub-base course for roads to be paved shall be gravel of hard durable particles free from vegetative matter, lumps, or balls of clay and other deleterious substances meeting the MDOT Standard Specification [703.06(b) Type D]. Should the amount of 3” to 6” stones in the gravel not allow for fine grading a 3” layer of crushed base gravel meeting the MDOT Standard Specification [703.06(a) Type A] shall be required.
   b. The sub-base course for roads not to be paved shall be gravel of hard durable particles free from vegetative matter, lumps, or balls of clay and other deleterious substances meeting the MDOT Standard Specifications [703.06(b) Type D]. A 3” surface gravel course meeting the MDOT Standard Specifications [703.06 Type A or B] with a maximum stone size of 2” and the percentage of “fines” passing the # 200 sieve is between 7 an 12 percent.

2. Pavement Joints: Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.

3. Pavements
   a. Minimum standards for the base layer of pavement shall be the MDOT specifications for plant mix grade B with an aggregate size no more than 3/4 inch maximum.
   b. Minimum standards for the surface layer of pavement shall meet the MDOT specifications for plant mix grade C with an aggregate size no more than 5/8-inch maximum.

D. Scenic View Locations: When a proposed street or the reconstruction of an existing street will pass a scenic view locations as identified in the Town of Mexico Comprehensive Plan, road design shall provide shoulders of suitable width or turn-outs to allow vehicles to safely leave the travelway at the scenic view location.

SECTION VIII. Additional Improvements and Requirements

A. Erosion Control: The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean up stages.

B. Cleanup: Following street construction, the developer or contractor shall conduct a thorough clean up of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the Plan and be suitable covered with fill and topsoil, limed, fertilized, and seeded.

C. Street Names, Signs, and Lighting: Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Board. No street name shall be the common given name of a person. The developer shall reimburse the Municipality for the costs of installing street name, traffic safety, and control signs.
SECTION IX. Certification of Construction

Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed public way to the legislative body, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Municipal Officers at the expense of the applicant certifying that the proposed way meets or exceeds the design and construction requirements of these regulations. "As built" plans shall be submitted to the Municipal Officers.

SECTION X. Performance Guarantees

A. Types of Guarantees: With submittal of the application for a street approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs taking into account the time-span of the construction schedule and the inflation rate for construction costs.

1. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner for the establishment of an escrow account;

2. A performance bond payable to the Town issued by a surety company approved by the Municipal Officers;

3. An irrevocable letter of credit from a financial institution establishing funding for the construction from which the Town may draw if construction is inadequate approved by the Municipal Officers; or

4. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

The conditions and amount of performance guarantee shall be determined by the Board with the advice of the Road Commissioner and Municipal Officers.

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

C. Escrow Account: A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant except for any portion of the interest earned which was needed in addition to the principle of the escrow account to pay for completion of the required improvements.

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

E. Letter of Credit: An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the street and may not be used for any other project or loan.

F. Release of Guarantee: Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

G. Default: If, upon inspection, it is found that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, the Code Enforcement Officer...
shall so report in writing to the Municipal Officers, the Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the Town's rights.

H. Privately-Owned Roads: Where streets are to remain privately-owned roads, the following words shall appear on the recorded plan.

"All roads shall remain private roads to be maintained by the developer or the lot owners. No such road shall be accepted as a public road unless it meets all the provisions of this ordinance.

SECTION XI. Inspection

A. Notification of Construction: At least five (5) days prior to commencing street construction or alteration of roads, the applicant shall notify the Road Commissioner in writing of the time when he proposes to commence construction so that the municipal officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction.

B. Noncompliance With Plan: If it is found upon inspection of the improvements is not being or has not been constructed in accordance with the approved plans and specifications, the inspector shall so report to the Municipal Officers and Planning Board. The Municipal Officers shall then notify the applicant, and, if necessary, the bonding company, and take all necessary steps to preserve the municipality's rights under the guarantee, security, or bond.

C. Modification During Construction: If at any time before or during the construction of the street, it is demonstrated to the satisfaction of the appointed inspector that unforeseen conditions make it necessary or preferable to modify the location or design of the street, the appointed inspector may, upon approval of the Board, authorize modifications provided these modifications are within the spirit and intent of the Board's approval. The appointed inspector shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Board at its next regular meeting.

D. Inspection Fee: The Board may assess the applicant a fee to cover the costs of construction inspection.

SECTION XII. Waivers

A. Where the Board makes written findings of fact that the applicant will suffer an undue economic or other hardship if the requirements of this Ordinance are strictly applied, it may waive the necessity for strict compliance with the requirements of this Ordinance in order to provide relief from the hardship in question and to permit a more practical and economical development provided, however, that the public health, safety, and welfare will not be comprised and further provided that the waivers in question will not have the effect of nullifying the effect of this Ordinance.

B. In granting waivers to any provision of this Ordinance in accordance with Section XXI.A., the Board shall require such conditions as that will assure the objectives of this Ordinance are met.

SECTION XIII. Separability

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.
SECTION XIV. Appeals

An appeal may be taken within 45 days from the Board’s decision on the application, by any party to Superior Court in accordance with Rule 80B. of the Maine Rules of Civil Procedure.

SECTION XV. Definitions

In this Ordinance, the following terms have the following meanings unless a contrary meaning is required by the context or is specifically prescribed. Terms not defined shall have their customary dictionary meaning.

Collector Street: A street servicing at least fifteen lots or dwelling units.

Common Driveway: A vehicle access way serving two dwelling units.

Existing Public Street: Roads which are maintained by the Town of Mexico and/or the State of Maine.

Minor Street: A street servicing less than fifteen lots or dwelling units.

Privately Owned Street: A street which is not intended to be dedicated as a townway.

Reconstructed: Reconstructed means the rebuilding of a road or section of a road to improve its serviceability.

Repair: Repair means to take necessary action to fix normal damage or storm damage.

Street: Public and private ways such as avenues, highways, roads and other rights-of-ways, as well as areas on a subdivision plans designated as rights-of-ways for vehicular access, other than driveways, farm roads or logging roads.
TO: MUNICIPAL OFFICIALS IN WESTERN MAINE  
FR: JOAN A. WALTON, REGIONAL TRANSPORTATION PLANNER  
DA: APRIL 23, 1999  
RE: FREIGHT TRUCK ROUTES

Androscoggin Valley Council of Governments (AVCOG) is requesting your assistance in providing some basic information regarding major truck routes in your community. AVCOG is working with the Maine Department of Transportation (MDOT) and RTAC #7 to identify major freight routes in the region. MDOT is beginning the process of designating certain corridors throughout the State as freight routes (defined as roads that have higher than normal levels of heavy truck traffic).

MDOT recently published an Integrated Freight Plan which contains strategies to promote economic development by improving freight shipments by truck, rail, air and sea. The Plan identifies the interstate system (I-95, I-295 and I-495) as part of the “National Truck Network.” The Plan also describes “second tier roadways” which are not part of the Network, but have been deemed important for commercial vehicle traffic. In western Maine, these include Routes 2, 4, 26, 27 and 202.

RTAC #7 has also identified the following roads as being important to the movement of freight: Route 5 (Rumford-Andover), Route 17 (Livermore Falls-East Dixfield), Route 43 (Farmington-Madison), Route 106 (Leeds-Livermore), Route 108 (Turner-Rumford), Route 117 (Sumner-Norway), Route 118 (Norway-Waterford), Route 121 (Oxford), Route 122 (Poland), Route 140 (Jay-Hartford), Route 219 (West Paris-Turner), Route 232 (Rumford-Woodstock), Route 234 (North Anson-New Vineyard), Crash Road (Livermore) and Canton Point Road.

It is expected that, in the future, when the designated freight routes are reconstructed, they will be completed using higher construction specifications that take into account the use by heavy truck traffic. The information you provide will be extremely important in deciding which roads have the potential of receiving this designation.

Please use the enclosed form or, if you prefer, write your own comments and suggestions. You may call me at 783-9186 or email me at iwalton@avcog.org if you have any questions. Thank you for you assistance with this project.
Western Maine Freight Movement Study

Please identify the roads and highways in your community and neighboring communities which are used by freight carriers. The MDOT Integrated Freight Plan identifies the following highways as important for commercial vehicle traffic: I-95, I-495, I-295, Routes 2, 4, 26, 27, and 202. Are there other highways which you feel should be on this list?

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

Please identify problems with and comment on the adequacy of each truck route in your community (i.e. alternate routes, hill climbing lanes, intersection improvements, rail crossings, road postings, turning radii issues, etc.).

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

From a local perspective, suggest solutions to problems associated with all truck routes in your city/town or neighboring communities.

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

_________________________________________________________________________

Use additional pages as necessary. Please provide us with any other comments you may have about freight movement in your part of the region.

Please mail to AVCOG in the enclosed self addressed stamped envelope, fax to Joan Walton at 783-5211 or email to iwalton@avcog.org by than May 7th.
TOWN OF MEXICO

SUBDIVISION ORDINANCE

Adopted June 7, 1999
Fact Sheet
Proposed Town of Mexico Subdivision Ordinance

Under the State Subdivision Law the Mexico Planning Board is required to review and approve all proposed subdivisions. A subdivision is the division of a tract or parcel of land into three or more lots within a five year period and the construction of a new structure which will contain three or more dwelling units.

Mexico adopted a Subdivision Ordinance in the early 1970s which has not been revised or updated to reflect changes in the State Subdivision or modern subdivision practices. The proposed Subdivision Ordinance will replace the current 25-year-old Ordinance.

The proposed Subdivision Ordinance contains two major sections or parts. They are as follows.

Application Requirements

This Section identifies the type of information that a person proposing a subdivision must provide the Planning Board when a subdivision is submitted for review. This information allows the Planning Board to assure that purchasers of lots will be protected, environmental harm will not occur and the subdivision will not over burden municipal services and facilities. The number of lots, how water will be provided, how sewage will be disposed, how stormwater will be managed and impacts on traffic are the type of information the Ordinance requires from an applicant.

Standards for Review

The second major section of the proposed Ordinance is the performance standards. These are requirements that the Planning Board would use in their review and approval of a subdivision. They are designed to protect the lot owner, the Town and the environment. Lot size, water supply, sewage disposal, drainage, traffic control and solid waste disposal are included in these standards. Also this section includes flexible subdivision development standards which are not provided for in the current subdivision ordinance.

The Town of Mexico Comprehensive Plan adopted in 1996 recommended a new Subdivision Ordinance. In developing the proposed Subdivision Ordinance the Planning Board used the Comprehensive Plan to guide them.
# TABLE OF CONTENTS

SECTION I  PURPOSES ................................................................. 1

SECTION II  AUTHORITY, ADMINISTRATION, EFFECTIVE DATE AND REPEAL OF EXISTING ORDINANCE ............................................. 1
   A. Authority .................................................................................. 1
   B. Administration .......................................................................... 1
   C. Effective Date .......................................................................... 1
   D. Repeal of Existing Subdivision Ordinance .................................. 1
   E. Conflict with Other Ordinances .................................................. 1
   F. Validity and Severability ............................................................ 1

SECTION III  ADMINISTRATIVE PROCEDURE ................................... 1
   A. Joint Meetings ......................................................................... 1

SECTION IV  PREAPPLICATION FOR MINOR AND MAJOR SUBDIVISIONS ........ 2
   A. Submission ............................................................................... 2
   B. Contour Interval and On-Site Inspection .................................... 2
   C. Ownership Interest .................................................................. 2

SECTION V  MINOR SUBDIVISIONS .................................................. 2
   A. General ................................................................................... 2
   B. Procedure ................................................................................ 2
   C. Submissions ............................................................................ 3

SECTION VI  PRELIMINARY PLAN FOR MAJOR SUBDIVISION .................... 5
   A. Procedure ................................................................................ 5
   B. Submissions ............................................................................ 6

SECTION VII  FINAL PLAN FOR MAJOR SUBDIVISION ............................ 8
   A. Procedure ................................................................................ 8
   B. Submissions ............................................................................ 9

SECTION XIII  FINAL APPROVAL AND FILING .................................... 10

SECTION IX  ENFORCEMENT .......................................................... 10
   A. Inspection of Required Improvements ........................................ 10
   B. Violations and Enforcement ..................................................... 11

SECTION X  PERFORMANCE STANDARDS .......................................... 11
   A. Conformance with Comprehensive Plan ..................................... 11
   B. Buffer Provisions .................................................................... 11
   C. Blocks .................................................................................... 11
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>D.</td>
<td>Lots</td>
<td>12</td>
</tr>
<tr>
<td>E.</td>
<td>Utilities</td>
<td>12</td>
</tr>
<tr>
<td>F.</td>
<td>Required Improvements</td>
<td>12</td>
</tr>
<tr>
<td>G.</td>
<td>Land Features</td>
<td>13</td>
</tr>
<tr>
<td>H.</td>
<td>Phosphorous Export</td>
<td>13</td>
</tr>
<tr>
<td>I.</td>
<td>Construction in Flood Hazard Areas</td>
<td>13</td>
</tr>
<tr>
<td>J.</td>
<td>Mobile Home Parks</td>
<td>14</td>
</tr>
<tr>
<td>L.</td>
<td>Multi-Family Residential</td>
<td>16</td>
</tr>
<tr>
<td>M.</td>
<td>Municipal Services</td>
<td>17</td>
</tr>
<tr>
<td>N.</td>
<td>Open Space Subdivisions</td>
<td>17</td>
</tr>
<tr>
<td>O.</td>
<td>Access Control and Traffic Impacts</td>
<td>20</td>
</tr>
<tr>
<td>P.</td>
<td>Ground Water Quality</td>
<td>21</td>
</tr>
<tr>
<td>Q.</td>
<td>Protection of Significant Wildlife Habitat</td>
<td>22</td>
</tr>
<tr>
<td>R.</td>
<td>Scenic Locations</td>
<td>22</td>
</tr>
<tr>
<td>S.</td>
<td>Archaeological Sites</td>
<td>22</td>
</tr>
<tr>
<td>T.</td>
<td>Historic Locations</td>
<td>22</td>
</tr>
<tr>
<td>U.</td>
<td>Endangered and Threatened Species</td>
<td>22</td>
</tr>
<tr>
<td>V.</td>
<td>Solid Waste</td>
<td>22</td>
</tr>
<tr>
<td>A.</td>
<td>Street Standards</td>
<td>22</td>
</tr>
<tr>
<td>B.</td>
<td>Storm Water Management Design Standards</td>
<td>23</td>
</tr>
<tr>
<td>A.</td>
<td>Types of Guarantees</td>
<td>23</td>
</tr>
<tr>
<td>B.</td>
<td>Contents of Guarantee</td>
<td>23</td>
</tr>
<tr>
<td>C.</td>
<td>Phasing of Development</td>
<td>24</td>
</tr>
<tr>
<td>D.</td>
<td>Release of Guarantee</td>
<td>24</td>
</tr>
<tr>
<td>E.</td>
<td>Default</td>
<td>24</td>
</tr>
<tr>
<td>F.</td>
<td>Privately-Owned Roads</td>
<td>24</td>
</tr>
<tr>
<td>A.</td>
<td>Initiation of Amendments</td>
<td>24</td>
</tr>
<tr>
<td>B.</td>
<td>Adoption of Amendment</td>
<td>25</td>
</tr>
<tr>
<td>A.</td>
<td>Appeals</td>
<td>25</td>
</tr>
<tr>
<td>A.</td>
<td>Subdivision Plan Amendment Fees</td>
<td>25</td>
</tr>
<tr>
<td>A.</td>
<td>Definitions</td>
<td>25</td>
</tr>
</tbody>
</table>
SECTION I  PURPOSES

The purposes of this Ordinance are to assure the comfort, convenience, safety, health and welfare of the people of the Town of Mexico, 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 Mexico, Maine, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of this Ordinance have been met and that the proposed subdivision will meet the requirements set forth in the State Subdivision Law.

SECTION II  AUTHORIT Y, ADMINISTRATION, EFFECTIVE DATE AND REPEAL OF EXISTING ORDINANCE

A. Authority

1. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution, Title 30-A, M.R.S.A. Section 3001 and Title 30-A M.R.S.A. section 4403.

2. This Ordinance shall be known and may be cited as "Subdivision Ordinance of the Town of Mexico, Maine."

B. Administration

1. The Planning Board of the Town of Mexico, hereinafter called the Board, shall administer this Ordinance.

2. The provisions of this Ordinance shall pertain to all land proposed for subdivision, as defined by this Ordinance, within the Town of Mexico.

C. Effective Date

The effective date of this Ordinance is June 7, 1999

D. Repeal of Existing Subdivision Ordinance

Adoption of this Ordinance shall repeal any and all previous adopted subdivision ordinances and regulations. This shall not prevent the enforcement of repealed ordinances or regulations with respect to the time periods in which they were in effect.

E. Conflict with Other Ordinances

This Ordinance shall not be construed to repeal any existing bylaws or ordinances, other than those specifically identified, or to impair the provisions of private restrictions placed upon property, provided, however, that where this Ordinance imposes greater restrictions, its provisions shall control.

F. 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.

SECTION III  ADMINISTRATIVE PROCEDURE

A. Joint Meetings. If any portion of the proposed subdivision crosses the boundary of an adjacent municipality the Board shall meet jointly with that municipality's planning board to review the application and conduct any
public hearings. The joint meetings and any hearings required under this section may be waived by written agreement of both planning boards.

SECTION IV  PREAPPLICATION FOR MINOR AND MAJOR SUBDIVISIONS

A. Submission. The Preapplication Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan, which may be a freehand pencilled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the assessor's map(s) of the property proposed for subdivision. The sketch plan shall be accompanied by a copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision, unless the proposed subdivision is less than ten acres in size.

B. Contour Interval and On-Site Inspection. Within thirty days of the receipt of a sketch plan, the Board shall determine and inform the applicant in writing of the required contour interval on the preliminary plan, or final plan in the case of a Minor Subdivision, and may hold an on-site inspection of the property.

C. Ownership Interest. The applicant shall furnish to the Board written evidence showing interest (option, contract for sale, etc.) in the property to be subdivided.

SECTION V  MINOR SUBDIVISIONS

A. General. In any case, whether due to the complexity of the subdivision proposal, or because of circumstances indicating that some aspect of the proposal is likely to present a substantial risk to public health, safety, or welfare, the Board may require the applicant to submit any additional information required for a major subdivision when deemed necessary in order to assure that a hazardous condition will not be present.

B. Procedure.

1. The final plan should approximate the layout shown on the sketch plan, and include recommendations made by the Board. The Board shall provide the subdivider with a dated receipt of a Final Plan application at the Board meeting where the final plan application is first presented and heard by the Board.

2. All applications for final plan approval for a Minor Subdivision shall be accompanied by an application fee of $50 per lot, dwelling unit, or unit contained in a shopping center or similar commercial establishment, payable by check to the Town of Mexico. The Planning Board may require the owner or his authorized agent to deposit in escrow with the town an amount of money sufficient to cover the costs for any professional review of the subdivision which the Board may feel is reasonably necessary to protect the general welfare of the town. This escrow payment shall be made before the Board engages any outside party to undertake this review and to make recommendations to the Board. Any part of the escrow payment in excess of the final costs for the review shall be returned to the owner or the owner's agent within 30 days of final approval.

3. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the final plan.

4. Upon receipt of an application for approval of a Minor Subdivision, the Town Office on behalf of the Board shall notify in writing all owners of abutting property to the proposed subdivision and the Town Clerk and Planning Board of municipalities that abut or include any portion of the proposed subdivision.

5. Within thirty (30) days of the Board issuing a dated receipt of a Final Plan application form and fee, the Town Office on behalf of the Board shall notify the applicant in writing as to whether or not the application is complete, and what, if any, additional submissions are required for a complete application, and determine whether to hold a public hearing on the final plan application.
6. The Board shall determine whether to hold a public hearing on the final plan. If the Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of receipt of a complete application, and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the public hearing shall be mailed to all abutters of the proposed subdivision seven (7) days prior to the hearing by the Town of Mexico.

7. Within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed upon the Board and the subdivider, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the final plan. The Board shall specify in writing its findings of facts that the final plan satisfies all the approval criteria for subdivision approval set forth in this Ordinance and in Title 30-A M.R.S.A. Section 4404 and reasons for any conditions or denial.

C. Submissions

1. The subdivision plan for a Minor Subdivision shall consist of two reproducible, stable-based transparent originals embossed with the seal and signed by the professional who prepared the plan. One will be recorded at the Registry of Deeds, the other will be filed at the Municipal Office and three copies of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch shall be provided to the Board. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside the border lines on the left side and one inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Three copies of all information accompanying the plan shall be submitted. In addition, seven copies of the plan(s) which may be reduced to a size of 8 1/2 by 11 inches, and all accompanying information shall be submitted to the Town Office so that copies can be mailed by the Town to each Board member.

The application for approval of a Minor Subdivision shall include the following information:

a. Proposed name of the subdivision, or identifying title, and the name of the municipality in which it is located, along with the tax assessor's map and lot numbers.

b. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.

c. A copy of the deed from which the survey was based and proof of right, title, or interest. A copy of all covenants, deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

d. A copy of any proposed covenant, agreements, or deed restrictions intended to cover all or part of the lots in the subdivision.

e. The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan, and the names of adjoining property owners. The plan(s) shall be embossed with the seal and signed by the professional engineer or surveyor who prepared the Plan.

f. Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean sea level.

g. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
h. The location of any zoning boundaries affecting the subdivision.

i. Indication of the type of sewage disposal to be used in the subdivision.

1. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a licensed site evaluator and in compliance with Maine Subsurface Waste Water Disposal Rules shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

2. When sewage disposal is to be accomplished by connection to the Town of Mexico sewer system, a written statement from the Sewer District stating that it has the capacity to collect the wastewater.

j. Indication of the type of water supply system(s) to be used in the subdivision.

1. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

2. When water is to be supplied by the Town of Mexico water system, a written statement from the Water Department shall be submitted indicating there is an adequate supply and pressure for the subdivision.

k. A copy of the portion of the county soil survey covering the subdivision, along with soil descriptions and interpretations. When the county soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require submission of a report by a registered soil scientist indicating the suitability of soil conditions for those uses.


m. A plan for the disposal of surface waters prepared by a qualified professional knowledgeable in surface drainage.

n. The location of any fresh water wetlands.

o. The location of river, stream or brook within or abutting the proposed subdivision.

p. The location and nature of significant wildlife habitats identified by the Maine Department of Inland Fisheries and Wildlife.

q. Any portion of the subdivision which is located within the watershed of Halfmoon Pond shall be identified and a phosphorus impact analysis and control plan submitted when determined as necessary by the Board.

r. The location of known archaeological resources.

s. Identification of documented rare and endangered species identified by the state or federal governments and measures to protect them.

t. The location of documented historic buildings and sites on or adjacent to the site and measures to minimize impacts of them.
u. The location of scenic sites or views as identified in the Town of Mexico Comprehensive Plan.

v. The cost of storm drainage, erosion and sediment control and other improvements proposed and statements of the applicants technical and financial capacity to carry out the project as proposed.

SECTION VI PRELIMINARY PLAN FOR MAJOR SUBDIVISION

A. Procedure

1. The Preliminary Plan should approximate the layout shown on the Sketch Plan and recommendations made by the Board. The Board shall provide the subdivider with a dated receipt of a Preliminary Plan application at the Board meeting where the Preliminary Plan application is first presented and heard by the Board.

2. All applications for preliminary plan approval for a Major Subdivision shall be accompanied by an application fee of $50 per lot, dwelling unit, or unit contained in a shopping center or similar commercial establishment, payable by check to the Town of Mexico. The Planning Board may require the owner or his authorized agent to deposit in escrow with the town an amount of money sufficient to cover the costs for any professional review of the subdivision which the Board may feel is reasonably necessary to protect the general welfare of the town. This escrow payment shall be made before the Board engages any outside party to undertake this review and to make recommendations to the Board. Any part of the escrow payment in excess of the final costs for the review shall be returned to the owner or his agent within 30 days of final plan approval.

3. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the preliminary plan.

4. Upon receipt of an application for preliminary plan approval of a major subdivision, the Town Office on behalf of the Board shall notify in writing all owners of abutting property to the proposed subdivision and the Town Clerk and Planning Board of municipalities that abut or include any portion of the proposed subdivision.

5. Within thirty (30) days of the Board issuing a receipt of a Preliminary Plan application form and fee, the Town Office on behalf of the Board shall notify the applicant in writing whether or not the application is complete, and what, if any, additional submissions are required for a complete application.

6. The Board shall determine whether to hold a public hearing on the preliminary plan application. If the Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of receipt of a complete application, and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the public hearing shall be mailed to all abutters of the proposed subdivision seven (7) days prior to the hearing by the Town of Mexico.

7. The Board shall, within thirty days of a public hearing, or within sixty days of receipt of a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed upon by the Board and the subdivider, make findings of fact on the application, and approve, approve with conditions, or deny the preliminary plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
8. When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:

   a. The specific changes which it will require in the final plan;

   b. The character and extent of the required improvements for which waivers may have been requested and which, in the Board's opinion, may be waived without jeopardy to the public health, safety, and general welfare; and

   c. The amount and type of all performance guarantees which it will require as prerequisite to the approval of the final plan.

9. Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval of the Board upon fulfillment of the requirements of this Ordinance and the conditions of preliminary approval, if any. Prior to the approval of the final plan, as a result of the further study of the proposed subdivision or as a result of additional information received, the Board may require additional changes deemed necessary or other conditions to be met so that the final plan will satisfy all of the approval criteria set forth in this Ordinance or in 30-A M.R.S.A. Section 4404 for subdivision approval.

B. Submissions

1. **Preliminary Plan**: The Preliminary Plan shall be submitted in two copies of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than 100 feet to the inch. In addition, seven copies of the plan(s) which may be reduced to a size of 8 ½ by 11 inches, and all accompanying information shall be submitted to the Town Office so that copies can be mailed by the Town to each Board member. Upon the finding of a complete application the applicant shall provide the Fire Department, Police Department, Rescue Chief, Road Commissioner, Sewer and Water Departments, Public Works Department and Superintendent of Schools copies for their comments and/or suggestions. The following information shall either be shown on the Preliminary Plan or accompany the application:

   a. Proposed name of the subdivision or identifying title and the name of the municipality in which it is located, and the tax assessor's map and lot numbers.

   b. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.

   c. A copy of the deed from which the survey was based and proof of right, title, or interest. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

   d. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features shall be shown on the plan.

   e. The proposed lot lines with dimensions and lot area.

   f. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
g. The location, names and present widths of existing and proposed streets, highways, sidewalks, easements, building lines, parks and other open spaces on or adjacent to the subdivision.

h. The date the plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan. The plan(s) shall be stamped or sealed by a professional engineer, surveyor or planner, or all of them, as the case may be.

i. Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean sea level.

j. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

k. The location of any zoning districts affecting the subdivision.

l. A copy of any proposed deed restrictions, covenants or agreements intended to cover all or part of the lots in the subdivision.

m. Indication of the type of sewage disposal to be used in the subdivision.

   1. When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses, prepared by a licensed site evaluator and in compliance the Maine Subsurface Waste Water Disposal Rules shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

   2. When sewage disposal is to be accomplished by connection to the Town of Mexico sewer system, a written statement from the Sewer District stating it has the capacity to collect the wastewater.

n. Indication of the type of water supply system(s) to be used in the subdivision.

   1. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

   2. When water is to be supplied by the Town of Mexico water system, a written statement from the Water Department shall be submitted indicating there is adequate supply and pressure for the subdivision.

o. A copy of that portion of the county soil survey covering the subdivision along with soil descriptions and interpretations. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submission of a report by a registered soil scientist indicating the suitability of soil conditions for those uses.


q. A plan for the disposal of surface waters prepared by a qualified professional knowledgeable in surface drainage.

r. The location of any fresh water wetlands.

s. The location of river, stream or brook within or abutting the proposed subdivision.
t. The location and nature of significant wildlife habitat identified by the Maine Department of Inland Fisheries and Wildlife.

u. Any portion of the subdivision which is located within the watershed Halfmoon Pond shall be identified and a phosphorus impact analysis and control plan provided when determined as necessary by the Board.

v. The location of known archaeological resources.

w. Identification of documented rare and endangered species identified by the state or federal governments and measures to protect them.

x. The location of documented historic buildings and sites on or adjacent to the site and measures, which will be taken to minimize impacts upon the buildings and sites.

z. The location of scenic sites or views as identified in the Town of Mexico Comprehensive Plan.

aa. The cost of roads, storm drainage, erosion and sediment control and other improvements proposed and statements of the applicants technical and financial capacity to carry out the project as proposed subdivision.

ab. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

ac. The location of any open space to be preserved and an indication of its improvement and management.

ad. A traffic impact analysis prepared by a Professional Engineer when required by the Board.

ae. The names and addresses of owners of record of adjacent property, including any property directly across an existing public street from the subdivision.

SECTION VII  FINAL PLAN FOR MAJOR SUBDIVISION

A. Procedure

1. The subdivider shall, within 12 months after the approval of the preliminary plan, file an application for approval of the final plan. The final plan shall approximate the layout shown on the preliminary plan, and recommendations made by the Board. The Board shall provide the subdivider with a dated receipt of a final plan application at the Board meeting where the final plan application is first presented and heard by the Board.

2. The subdivider or his duly authorized representative shall attend the meeting of the Board to discuss the final plan.

3. Within thirty (30) days of the Board issuing a dated receipt of a Final Plan application form, the Town Office on behalf of the Board shall notify the applicant in writing as to whether or not the application is complete, and what, if any, additional submissions are required for a complete application, and determine whether to hold a public hearing on the final plan application.
4. If the Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of receipt of a complete application, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing and the notice of the hearing shall be posted in at least three prominent places at least seven days prior to the hearing. Notice of the public hearing shall be mailed to all abutters of the proposed subdivision seven (7) days prior to the hearing by the Town of Mexico.

5. Before the Board grants approval of the final plan, the subdivider shall meet the performance guarantee requirements contained in Section XII.

6. Within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, the Board shall make findings of fact, and conclusions relative to the standards contained in Title 30-A M.R.S.A. §4404 and in this Ordinance. If the Board finds that all standards of the Statute and this Ordinance have been met, they shall approve the final plan. If the Board finds that any of the standards of the Statute and this Ordinance have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

B. Submissions

1. The Final Plan shall consist of two reproducible, stable-based transparent originals embossed with the seal and signed by the professional who prepared the plan. One will be recorded at the Registry of Deeds, the other will be filed at the Municipal Office and three copies of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch shall be provided to the Board. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside the border lines on the left side, and one inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Three copies of all information accompanying the plan shall be submitted. In addition, one copy of the plan(s) which may be reduced to a size of 8 ½ by 11 inches, and all accompanying information shall be submitted to the Town Office so that copies can be mailed by the Town to each Board member.

2. The application for approval of the Final Plan shall include the following information.

   a. Proposed name of the subdivision or identifying title and the name of the municipality in which it is located, along with the assessor’s map and not numbers.

   b. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, and made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.

   c. Location of property lines, existing buildings, watercourses, and other essential existing physical features.

   d. The date the plan was prepared, magnetic and true north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan.

   e. The location of any zoning boundaries affecting the subdivision.

   f. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
The location, names and present widths of existing and proposed streets, highways, sidewalks, easements, building lines, parks and other open spaces in the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established.

All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer of cession shall be included.

If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

SECTION XIII FINAL APPROVAL AND FILING

A. Upon findings of fact and determination that all standards in Title 30-A, M.R.S.A. §4404, and this Ordinance have been met, and upon voting to approve the subdivision, the Board shall sign the final plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the tax assessor. Any subdivision not recorded in the Registry of Deeds by the subdivider within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.

B. No change, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Board and endorsed in writing on the plan, unless the revised final Plan is first submitted and the Board approves any modifications. The Board shall make findings that the revised plan meets the standards of Title 30-A, M.R.S.A. §4404, and this Ordinance. In the event that a plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.

C. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the municipal officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

D. Failure to commence substantial construction of the necessary improvements in the subdivision within two years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.
SECTION IX  ENFORCEMENT

A. Inspection of Required Improvements

1. At least five days prior to commencing each major phase of construction of required improvements, the subdivider or contractor shall notify the Code Enforcement Officer in writing as to when construction of improvements will begin. The municipal officers shall cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

2. If the inspecting official finds, upon inspection of the improvements, that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report in writing to the municipal officers, Board, and the subdivider or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.

3. If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances, such as encounters with hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Town. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission to modify the plans from the Board.

4. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a registered land surveyor, stating that all monumentation shown on the plan has been installed.

5. Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed townway to a town meeting, a written certification signed by a professional engineer registered in the State of Maine may be required by the municipal officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements.

6. The subdivider or builder shall be required to maintain all improvements and provide for snow removal on streets and sidewalks and maintenance until acceptance of the improvements by the municipality.

B. Violations and Enforcement

1. No plan of a division of land within the municipality which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Board in accordance with this Ordinance.

2. 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 Board and recorded in the Registry of Deeds.

3. No person, firm, corporation or other legal entity may convey any land in an approved subdivision which is not shown on the final plan as a separate lot.

4. 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 these regulations shall be punished by a fine of not less than $100, and not more than $2,500 for each such conveyance, offering or
agreement. The Town may institute proceedings to enjoin the violation of this section, and may collect attorney's fees and court costs if it is the prevailing party.

5. No public utility or any utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.

6. No person shall establish or develop a subdivision without first having a final plan thereof approved by the Board. "Develop" shall include grading or construction of roads, grading of land or lots, or construction of any buildings.

SECTION X PERFORMANCE STANDARDS

In reviewing applications for a subdivision, the Board shall consider the following standards and make findings that each, in addition to standards contained in Title 30-A, M.R.S.A., Section 4404, have been met prior to the approval of a final plan. In all instances, the burden of proof shall be upon the applicant.

A. Conformance with Comprehensive Plan. All proposed subdivisions shall be in conformity with the Comprehensive Plan and with the provisions of all pertinent state and local codes and ordinances.

B. Buffer Provisions

1. The Board may require that a proposed subdivision design include a landscape plan that will maintain natural buffers adjacent to rivers, brooks and streams.

C. Blocks. Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require a utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width. Maintenance obligations of the easement shall be included in the written description of the easement.

D. Lots

1. All lots shall meet the minimum requirements of the applicable Town of Mexico Ordinances except as may other wise be permitted by this ordinance.

2. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated.

3. The Board may require the location of structures to be arranged to avoid tops of ridge lines and fields. Whenever possible and feasible the designated area for the placement of structures shall be on the edges of fields.

4. In areas not served by public sewer each lot shall contain a development area containing a minimum of 20,000 square feet of land area which does not include 100-year flood plain, slopes greater than 20 percent or Class I, II or III wetlands as identified under the Natural Resource Protection Act.

E. Utilities

1. Underground utilities shall be installed prior to the installation of the final gravel base of the road. All underground utilities shall be properly marked to avoid damage by future excavations.

F. Required Improvements. The following improvements are required for all subdivisions unless waived by the Board in accordance with provisions of this Ordinance.
1. Monuments: Monuments of granite or concrete not less than four (4) inches square in width or iron reinforcement rods at least 5/8 inches across the top and at least four (4) feet in the ground shall be installed as follows:

a. Monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines having no curves or intersections.

b. Monuments shall be set at all corners and angle points of the subdivision boundaries and all lot boundary corners and angle points.

2. Water Supply

a. If a central water supply system is provided by the subdivider, the location and protection of the source, and the design, construction and operation of the system shall conform to the standards of the State of Maine Rules of the Department of Human Services Relating to Drinking Water (10-144 A.C.M.R. 231).

b. When the subdivision is to be served by the public water system, the complete supply system within the subdivision, including fire hydrants, shall be installed at the expense of the subdivider. The size and location of mains, gate valves, hydrants and service connections shall be reviewed and approved in writing by the Water Department. In addition, the Water Department shall determine if sufficient pressure exists and if it does not, then identify steps to be taken in order to insure sufficient pressure.

3. Sewage Disposal

a. The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a licensed site evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

b. When the subdivision is proposed to be served by the public sewer system, the complete collection system within the subdivision, including manholes and pump stations, shall be installed at the expense of the subdivider.

The Sewer Department shall review and approve all manholes, size and location of sewer lines and service connections and certify that providing service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or improvements planned to be completed prior to the construction of the subdivision.

4. Surface Drainage

a. Where a subdivision is traversed by a stream, river, or surface water drainage way, or where the Board has determined that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This stormwater management system shall be designed by a qualified professional knowledgeable in surface drainage.

b. The applicant shall provide a statement from the designing professional that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or with respect to adjoining properties. Where the peak runoff from the subdivision onto abutting properties is increased either in volume or duration, easements allowing such additional discharge shall be obtained from abutting property owners.
G. Land Features

1. The Board shall require the applicant to take measures as contained in the Maine Erosion and Sediment Control Handbook for Construction to correct and prevent soil erosion in the proposed subdivision.

2. Neither structures nor roads shall be located in areas of two (2) or more contiguous acres of sustained slopes in excess of 20 percent.

H. Phosphorous Export

Phosphorous Export. When required by the Planning Board, projects proposed within the direct watershed of Halfmoon Pond shall be designed to limit phosphorous run-off.

1. Phosphorous export from the proposed development shall be calculated according to the procedures defined in “Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development” (Maine Department of Environmental Protection, September 1989 with revisions in 1992 and as may be revised). Upon request, copies of all worksheets and calculations shall be provided to the Planning Board.

2. Phosphorus control measures shall meet the design criteria contained in “Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development” (Maine Department of Environmental Protection, September 1989 with revisions in 1992 and as may be revised). The Planning Board shall require the reasonable use of vegetative buffers, limits of clearing, and minimizing road lengths, and shall encourage the use of other non-structural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

I. Construction in Flood Hazard Areas

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principle structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

Mobile Home Parks

1. These standards shall apply to all development proposals for new mobile home parks and to any expansion of existing mobile home parks.

2. Lot Size, Width and Density

Lots in a mobile home park shall meet the following minimum lot size, width and density requirements. Minimum requirements shall be based on Title 30-A MRSA Section 4358.

a. Lots served by public sewer

- minimum lot area -- 6,000 square feet
- minimum lot width -- 50 feet
b. Lots served by individual subsurface sewage disposal systems
   - minimum lot area -- 20,000 square feet
   - minimum lot width -- 100 feet

c. Lots served by a central subsurface wastewater disposal system
   - minimum lot area -- 12,000 square feet
   - minimum lot width -- 75 feet

d. The overall density of a mobile home park served by a central subsurface wastewater disposal system shall be no greater than one unit per 20,000 square feet of total park area. The overall density shall be computed using the combined area of its mobile home lots plus:
   1. the area required for road rights-of-way; and
   2. the area required for buffer strips, if any.

e. Where lots front on a curved right-of-way or are served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the setback line.

f. Lots within the shoreland area shall meet the lot area, lot width, setback and shore frontage requirements for that district.

3. Lot Setbacks
   a. The following lot setbacks shall apply to all manufactured housing units.
      
      | setback type | minimum distance |
      |--------------|-----------------|
      | front setback | 20 feet         |
      | side setback  | 10 feet (on lots served by public sewer) |
      | rear setback  | 20 feet         |

      If these requirements conflict with the requirements of lots within the shoreland area, the stricter standards shall apply. If a lot has frontage on a public road, the setback shall conform with the residential setback requirements applicable to other residential dwelling units in that District.

   b. For aesthetic purposes, the Planning Board may allow the front or rear setbacks on a private road within a mobile home park to be varied provided that no home may be closer than 10 feet from the right-of-way or the rear of any lot and the average distance is at least 20 feet for all units.

   c. Carports of non-combustible materials are not subject to side setback requirements.

   d. The Planning Board may allow lot side yard setbacks to be reduced to 5 feet provided a distance of 30 feet is maintained between manufactured housing units for the purpose of providing more usable yard space on one side of the home.

4. Lot Coverage

   All buildings on the lot, including accessory buildings and structures, but excluding open decks and parking spaces, shall not cover more than 50% of the lot area.
5. **Buffer Strips**

   a. A 50 foot wide buffer strip shall be provided along all property boundaries that:

      1. abut residential land which has a gross density of less than half of that proposed in the park, or
      2. abut residential land that is zoned at a density of less than half of that proposed in the park.

      No structures, streets or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the park.

   b. Within 25 feet of any property line and within the buffer strip, visual screening and/or landscaping shall be provided. The visual screening may consist of fences, berms, landscaping (such as shrubs and trees) and/or undisturbed natural existing vegetation. This screening shall effectively screen at least 50% of the homes from view from the adjacent property and shall be maintained throughout the life of the project.

6. **Parking**

   For each mobile home lot, there shall be provided and maintained at least two off-street parking spaces.

7. **Road Standards**

   a. Roads in a mobile home park shall meet the standards contained in the Town of Mexico, Maine Street Standards Ordinance and the provisions of this section. Where the standards are at conflict, the stricter standard shall apply.

      1. Private Roads. Privately-owned roads within the mobile home park shall be designed by a professional engineer who is registered in the State of Maine, and shall be built according to accepted engineering standards, and shall comply with current standards adopted by the Maine Manufactured Housing Board. Mobile Home park roads that are not paved shall be treated to minimize dust.

      2. Roads for Public Acceptance. Roads within mobile home parks which are to be offered for acceptance by the Town of Mexico shall meet the minimum road acceptance standards for public roads as required by the Town.

      3. Intersection with Public Roads. Mobile home park roads that intersect with public roads shall meet the following standards:

         a) Angle of Intersection. The desired angle of intersection shall be 90 degrees. The minimum angle of intersection shall be 75 degrees.

         b) Grade. The maximum permissible grade within 75 feet of the intersection shall be 3 percent.

      4. No mobile home lot may have vehicular access directly onto a public street, unless such street is constructed to town standards and accepted as a public street.
b. Right-of-way and pavement width

1. Two-way park roads shall have a minimum right-of-way of 23 feet and a minimum travel way surface of 20 feet. On-street parking shall be prohibited.

2. One-way streets shall have a minimum right-of-way of 18 feet and a minimum travel way surface of 14 feet. On-street parking shall be prohibited.

3. Parking lanes, if provided, shall be a minimum of 8 feet in width.

8. Utility Requirements

All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each mobile home in accordance with applicable state and local rules and regulations.

9. Refuse Disposal

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

10. Skirting

The area between the ground or stand and the bottom of the unit shall be fully enclosed by skirting. This skirting shall provide for access and adequate ventilation of the space under the unit. This skirting may consist of one of the following materials:

a. Approved vinyl or metal mobile home skirting; or
b. A poured concrete wall; or
c. A mortared or loose laid masonry wall; or
d. Painted wood or similar materials.

11. No subdivision which has been approved as a mobile home park may be converted to another use without the approval of the Board, and shall meet the appropriate lot size, lot width, setback and other requirements. The plan to be recorded at the Registry of Deeds and filed with the municipality shall include the following restrictions as well as any other notes or conditions of approval.

a. The land within the park shall remain in the unified ownership and the fee to lots or portions of lots shall not be transferred.

b. No dwelling unit other than a manufactured housing unit shall be located within the park.

L. Multi-Family Residential

1. The applicant shall demonstrate the availability of adequate supply and quality of water for both domestic and firefighting purposes.

2. It shall be the responsibility of the owner to provide for rubbish disposal, snow removal, and site maintenance. All outdoor storage areas for waste collection shall be enclosed by a wooden or masonry screen at least six feet in height.

3. All multi-family developments of 6 dwelling units or more shall provide a developed play area no smaller than 5,000 sq.ft. Any development in which occupancy is restricted to the elderly need not provide a play area, but space shall be provided for outdoor recreation.
M. Municipal Services

When the Board finds, based upon the recommendation of department heads, that municipal services do not have sufficient capacity to service the proposed subdivision, the Board may require the following:

1. phasing of the subdivision to allow for the development of expanded municipal services;
2. deny the application; and/or
3. require the applicant to assist in upgrading municipal services.

N. Open Space Subdivisions

1. It is the policy of the Town of Mexico to encourage the development of open space subdivisions in order to preserve a sense of space, provide for, forestry, and recreational land uses, preserve other resources identified in the Town of Mexico Comprehensive Plan, and blend new development with the traditional open and wooded, agricultural and village landscapes of Mexico.

This standard is intended to implement that policy by providing incentives that afford flexibility in road and lot layout and design and road frontage requirements to the landowner. It also allows the Board to waive or reduce certain otherwise applicable standards and provisions of this Ordinance and other Town of Mexico Ordinances if such landowners commit to the permanent preservation of important open space resources. These incentives are designed to encourage greater flexibility and more innovative approaches to housing development and environmental design which will promote the most appropriate use of land, preservation of permanent open space, or forest land, important natural features, wildlife habitat, water resources, ecological systems, and historic and scenic areas for the benefit of present and future residents will be accomplished.

2. An open space subdivision achieves the purposes of this performance standard by reducing the lot size, frontage and setback requirements. It locates housing and accompanying uses in those areas where they have the smallest impact on identified environmental, wildlife, forest, and other open space resources. These resources are then permanently preserved by the use of covenants and restrictions or conservation easements.

3. An individual may apply for approval of an open space subdivision either after sketch plan review of a conventional subdivision or by initially filing an application for an open space subdivision. In either case, the Board shall review the application in accordance with Title 30-A M.R.S.A. Section 4404 and this Ordinance.

a. Pre-application Procedure

1. Any applicant for a subdivision with open space is encouraged, but not required, to submit at the pre-application stage a complete build out plan for the entire parcel.

b. Application Procedure

1. Required Plans: The submissions for a subdivision with open space shall include all plans and materials required for a conventional subdivision under this Ordinance.
c. General Requirements

In Board review and approval of a subdivision with open space, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this Ordinance and other Town of Mexico Ordinances.

1. Use and District Requirements

(a) All subdivisions with open space shall meet the use standards of the districts in which they are located.

2. Allowable Density

(a) Allowable density shall be based upon one of the following methods as determined by the applicant:

(1) Net residential density method which is calculated in the following manner: Determine the net residential acreage of the parcel by taking the total area of the parcel and subtracting in order the following:

i) area in proposed rights-of-way;
ii) area of two or more contiguous acres with sustained slopes of 20% greater;
iii) area of wetlands identified as Class I, II and III under the Natural Resource Protection Act;
iv) area shown to be in floodway as designed in the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency; and
v) area of the lot covered by surface waters.

Then divide the buildable area by the minimum lot size required.

(2) Simplified method, which is calculated in the following manner: Determine the number of allowable dwelling units by taking sixty-five (65) percent of the total lot area divided by the minimum lot size requirement.

4. Layout and Siting Standards

In planning the location and siting of residential structures in a subdivision with open space, priority should be given to the preservation of the open space for its natural resource value. Human habitation activity located and sited on the least valuable natural resource portion of a parcel, taking into account the contours of the land and the steepness of slopes.

The building lots on a parcel shall be laid out and the residential structures shall be sited according to the following principles. The Board in its discretion shall resolve conflicts between these principles as applied to a particular site.

a. Upon soils least suitable for agricultural use and in a manner which maximizes the useable area remaining for the designated open space use. Where agricultural, forestry, or recreational, whether existing or future uses, are particularly targeted for preservation;
b. Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland in order to reduce encroachment upon agricultural soils and to enable new residential development to be visually absorbed by natural landscape features;

c. In such manner that the boundaries between residential lots and active agricultural use, commercial forest land, and/or wildlife habitat are well-buffered by vegetation, topography, roads or other barriers in order to minimize potential conflict between residential and agricultural and forestry uses;

d. In locations where buildings may be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall plan for site development;

5. Space Standards

a. Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required in the Town of Mexico Shoreland Zoning Ordinance.

b. The required minimum land area per dwelling unit for the building envelope may be reduced to 20,000 square feet. The building envelope shall contain a minimum of 20,000 square feet of land area which does not include 100 year floodplains, areas of two or more acres of sustained slopes greater than 20 percent, or wetlands as defined by the Natural Resource Protection Act. If the lot area is reduced, the total open space in the development shall equal or exceed the sum of the areas by which the building lots are reduced below the minimum lot area normally required in the district.

c. Minimum road frontage requirements contained in other ordinances may be waived or modified by the Board provided that:

I. Any applicable provisions regarding roads in Subsection 6. below are satisfied; and

ii. Adequate access and turn-around to and from all parcels by emergency vehicles can be ensured by private roads and/or common driveways.

d. A reduction of required setback distances may be allowed at the discretion of the Board, based upon the public benefits to be achieved from the design, provided that the front and rear setbacks shall be no less than 25 feet.

e. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.

6. Roads

The Planning Board shall require private roads and common driveways to comply with the design standards set forth in Town of Mexico Street Standard Ordinance, except as provided in Subsection 6.a. below.
a. Travelways and shoulders of privately-owned roads and common driveways within open space subdivisions shall meet the following minimums:

i. Common driveways serving 2 or fewer dwelling units: 12 foot travel way.

ii. Roads serving 3 to 10 units: 16 foot travel way and 4 foot shoulders.

iii. Roads serving 11 to 50 units: 20 foot travel way and 4 foot shoulders.

7. Open Space Requirements

In Board review and approval of a subdivision with open space, the following requirements shall apply and shall supersede any inconsistent or more restrictive provision of this Ordinance.

a. Open Space Uses. On all parcels, open space uses shall be appropriate to the site. Open space should include natural features located on the parcel(s) such as, but not limited to, agricultural land, forested acreage, wildlife habitat and historic features and sites. Open space shall be preserved and maintained subject to the following, as applicable:

i. On parcels that contain significant portions of land suited to agriculture or commercial forestry, open space shall be preserved for agricultural or forestry, other compatible open space uses such as wildlife habitat, recreation (active or passive), and resource conservation.

ii. When the principal purpose of preserving portions of the open space is the protection of natural resources such as wetlands, steep slopes, wildlife habitats, and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation.

b. Notations on Plan. Open space, common lands, roads or facilities must be clearly labeled on the final plan as to its use or uses with respect to the portions of the open space that such use or uses apply, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof. The plan shall clearly show that the open space land is permanently reserved for open space purposes, and shall contain a notation indicating the book and page of any conservation easements or deed restrictions required to be recorded to implement such reservations.

c. Ownership of Open Space Land. Open space land may be held in private ownership; or owned in common by a Homeowners' Association (HOA); transferred to a non-profit organization such as a conservation trust, or association, acceptable to the Board; or held in such other form of ownership as the Board finds adequate to achieve the purposes set forth in subparagraph 2.a.i-vi and under the other requirements of this Section. The Board shall, in its review, require as a condition of approval provisions for the ongoing maintenance and associated costs for such maintenance of the open space.

8. Homeowners' Associations or Agreements

Where any portion of a subdivision is proposed or required to be held in common by owners of lots, or owned in common by a Homeowners' Association (HOA) or similar entity, covenants for mandatory membership in the association setting forth the owners' rights, interest, privileges, responsibilities for maintenance, and obligations in the association and
the common land, road or open space shall be approved by the Board and included in the deed for each lot.

O. Access Control and Traffic Impacts

1. **General:** Provisions shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to safeguard against hazards to traffic on existing streets and within the subdivision. More specifically, access and circulation shall also conform to the following standards and the design criteria below.

   a. The road giving access to the subdivision and neighboring roads which can be expected to carry traffic to and from the subdivision shall have traffic carrying capacity and be of such physical condition to accommodate the amount and types of traffic generated by the proposed subdivision. If traffic studies indicate improvements are necessary the applicant shall pay a proportional share to accommodate the amount and types of traffic generated by the proposed subdivision when the town’s Road Improvement Program has prioritized such road(s). When the town’s Road Improvement Program has not prioritized the road(s) for improvements it shall be the responsibility of the applicant to pay for the required improvements.

   b. Any subdivision expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with an existing public or private street or streets on an approved subdivision plan. A minimum of 200 feet shall be maintained between centerlines of such street to any other street.

2. Where the subdivision lots will be accessed by off-site public roads, the use of common driveways shall be used where appropriate to minimize the number of entrances to public roads.

3. Where a subdivision will be accessed from Routes 2 or 17 access shall be limited to two points through common access or shared driveways.

4. Where a lot has frontage on two or more streets, the access to the lot shall, where practical, be provided to the lot across the frontage and from the street where there is lesser potential for traffic congestion and hazards to traffic and pedestrians.

P. Ground Water Quality

1. When a hydrogeologic assessment is submitted, by request of the Board, the assessment shall contain at least the following information:

   a. A map showing the basic soils types.

   b. The depth to the water table at representative points throughout the subdivision.

   c. Drainage conditions throughout the subdivision.

   d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.

   e. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a
distance of 1000 feet from potential contamination sources, whichever is a shorter distance.

f. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 100 feet of the subdivision boundaries.

2. The subdivision will not result in the existing ground water quality becoming inferior to the physical, biological, chemical, and radiological levels for raw and untreated drinking water supply sources specified in the Maine State Drinking Water Regulations, pursuant to 22 M.R.S.A., Section 601.

3. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

4. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

5. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.

Q. Protection of Significant Wildlife Habitat

Applicants proposing to subdivide land in or within 75 feet of wildlife resources identified by the Maine Department of Inland Fisheries and Wildlife shall consult with a recognized wildlife or fisheries consultant or the Maine Department of Inland Fisheries and Wildlife and provide their written comments to the Board. Any conditions to the approval to wildlife habitat preservation shall appear on the plan and as deed restrictions to the affected lots.

R. Scenic Locations

The Board shall consider the existence of a scenic site or view location as identified in the Town of Mexico Comprehensive Plan and the impact of the proposed subdivision on such a site or view. The Board may require the placement or visual qualities of structures on lots in such locations so to minimize the negative impacts of the subdivision on such sites and views.

S. Archaeological Sites

Any proposed subdivision 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 20 days prior to final approval in the case of a minor subdivision or preliminary approval of a major subdivision by the Board. The Board shall consider comments received from the Commission prior to rendering a decision on the application.

T. Historic Locations

The Board shall consider a proposed subdivisions impacts on historic buildings and sites as identified in the Mexico Comprehensive plan. When a proposed subdivision will include a historic building or site the applicant will design the subdivision to minimize the impacts on the historic building or site.
U. Endangered and Threatened Species

The Board shall consider a proposed subdivisions impacts on state documented endangered species.

V. Solid Waste

All solid waste shall be disposed of at a Department of Environmental Protection licensed facility.

SECTION XI STREET AND STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS

A. Street Standards

1. All streets proposed as an element of a subdivision shall comply with the Town of Mexico, Maine Street Standards Ordinance except as provided for within this Ordinance.

2. All street designs and submissions as required by the Town of Mexico, Maine Street Standards Ordinance shall be submitted as an element of the subdivision application as required by this Ordinance.

3. Street names shall be proposed by the applicant and approved by the town of Mexico. Streets that are continuations of existing streets shall be given the same name as the existing street. Names of new streets shall not duplicate nor bear the phonetic resemblance of the names of existing streets within the town.

4. Approval of the Final Plan shall not constitute or be evidence of any acceptance by the Town of Mexico of any street or easement.

B. Storm Water Management Design Standards

1. Adequate provision shall be made for disposal of all storm water generated within the subdivision, and any drained ground water through a management system of ditches, swales, culverts, underdrains, and/or storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains.

   a. All components of the storm water management system shall be designed to meet the criteria of a 25-year storm.

2. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increase in upstream runoff.

3. Downstream drainage requirements shall be studied to determine the effect of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The subdivider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.

4. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the Town allowing maintenance and improvement of the system.
A. Types of Guarantees. With submission of the application for final plan approval, the subdivider shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:

1. A certified check payable to the town, or a savings account or certificate of deposit naming the town as owner, for the establishment of an escrow account; or

2. A performance bond issued by a surety company payable to the town and approved by the municipal officers; or

3. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the town may draw if construction is inadequate, approved by the municipal officers; or

4. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

The conditions and amount of performance guarantee shall be determined by the Board with the advice of any engineer retained by the Board, public works director, sewer and water departments and municipal officers.

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

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

D. Release of Guarantee. Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

E. Default. If, upon inspection, it is found that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, the Code Enforcement Officer shall so report in writing to the municipal officers, the Board, and the subdivider or contractor. The municipal officers shall take any steps necessary to preserve the Town's rights.

F. Privately-Owned Roads. Where the subdivision streets are to remain privately-owned roads, the following words shall appear on the recorded plan.

"All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."
SECTION XIII WAIVERS

A. Where the Board makes written findings of fact that the applicant will suffer an undue economic or other hardship if the requirements of this Ordinance are strictly applied, it may waive the necessity for strict compliance with the requirements of this Ordinance in order to provide relief from the hardship in question and to permit a more practical and economical development. However, this shall not compromise the public health, safety, and welfare and the waivers in question shall not have the effect of nullifying the effect of this Ordinance or the comprehensive plan.

B. Where the Board makes written findings of fact that, due to special circumstances regarding a particular lot proposed for inclusion in the subdivision, an undue economic or other hardship will be caused, it may waive strict compliance with those requirements of this Ordinance causing such hardship in order to permit a more practical or economically viable development, provided that the public health, safety, and welfare will be not compromised.

C. In granting waivers to any of these regulations in accordance with Sections 12.1 and 13.2, the Board shall require such conditions as that will assure the objectives of these regulations are met.

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

SECTION XIV ORDINANCE AMENDMENTS

A. Initiation of Amendments. An amendment to this Ordinance may be initiated by:

1. The Planning Board, provided a majority of the Board has so voted;

2. Request of the municipal officers; or

3. Written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.

B. The Planning Board 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 days prior to the hearing.

C. Adoption of Amendment. An amendment to this Ordinance may be adopted by a majority vote of the Town Meeting.

SECTION XV APPEALS

A. An aggrieved party may appeal any decision of the Board under this Ordinance to the Board of Appeals within 30 days of the date the Board issues a written order of its decision.

SECTION XVI SUBDIVISION PLAN AMENDMENT FEES

The following fees shall be shall be paid to the town for amendments to approved subdivision plans. The selectmen shall have the authority to revise these fees after conducting a public hearing.

A. The fee for any amendment when the number of lots remain the same, and there is no substantial change to roads or drainage systems, shall be $25.
B. The fee for any amendment, when three or less new lots are created, shall be a $25 publishing and notice fee and $100 for the first new lot created and $50 for each additional lot.

C. The fee for amendment, when there are substantial changes to roads and drainage systems or more than three lots are created, shall be equal to that required by a new application.

SECTION XVII DEFINITIONS

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

Arterial Street: A major thoroughfare which serves as a major traffic way for travel between and through the municipality.

Collector Street: A street servicing at least twenty (20) lots or dwelling units, or street which serves as feeder to arterial streets and collector of traffic from minor streets.

Common Driveway: A vehicle accessway serving two dwelling units.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by these regulations for a Final Plan, or by a vote by the Board to waive the submission of required information. The Board shall issue a receipt to the applicant upon its determination that an application is complete.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

Direct Watershed: That portion of the watershed that does not first drain through an upstream lake.

Existing Public Street: Roads which are maintained by the Town of Mexico and/or the State of Maine.

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

Fresh Water Wetland: Means fresh water swamps, marshes, bogs and similar areas which are:

a. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and

b. Not considered part of great pond, coastal wetland, river, stream or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria.

High Intensity Soil Survey: A soil survey conducted by a certified soil scientist, meeting the standards of the National Cooperative Soil Survey, which identifies soil types down to 1/10 acre or less at a scale equivalent to the subdivision plan submitted. The mapping units shall be the soil series. Single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

100 Year Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Industrial or Commercial Street: A street servicing industrial or commercial uses.

Industrial Park or Development: A subdivision developed exclusively for industrial uses, or a subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users.
Manufactured Housing: A structural unit or units designed for occupancy, constructed in a manufacturing facility, and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing. It may be purchased or sold by a dealer in the interim. For purposes of this section, two types of manufactured housing are included. Those two types are:

1. Those units constructed after June 15, 1976, commonly called "newer mobile homes", which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards. These are structures transportable in one or more sections, which, in the traveling mode, are 14 body feet or more in width and are 750 or more square feet in area, and are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit;
   a. This term also includes any structure which meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et.seq.; and

2. Those units commonly called "modular homes" which the manufacturer certifies are constructed in compliance with Title 10, Chapter 957, and rules adopted under that chapter. These structures transportable in one or more sections which are not constructed on a permanent chassis, and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

Minor Street: A street servicing less than twenty lots or dwelling units.

Mobile Home Park: A parcel of land under unified ownership for the placement of three (3) or more manufactured homes.

Mobile Home Park Lot: Mobile home park lot means the area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home. A municipality shall require a lot to be designated on a mobile home park plan.

Multi-Unit Residential: A residential structure containing three (3) or more residential dwelling units.

Net Residential Acreage: The total acreage available for the subdivision, and shown on the proposed subdivision plan, after subtracting the area for streets or access and areas which are unsuitable for development.

Net Residential Density: The average number of dwelling units per net residential acre.

Official Submission Date: The date upon which the Board issues a receipt indicating a complete application has been submitted.

Open Space Subdivision: A subdivision in which the lot sizes are reduced below those normally required in return for the provision of permanent open space owned in common by lot/unit owners, the town, or a land conservation organization. Clustering shall not be used to increase the overall net residential density of the development.

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

Preliminary Subdivision Plan: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Board for its consideration.

Privately-Owned Street: A street which is not intended to be dedicated as a town way.
Recording Plan: A copy of the final plan which is recorded at the Registry of Deeds and which need not show information irrelevant to the transfer of an interest in the property, such as sewer and water line locations and sizes, culverts, and building lines.

Re-subdivision: The division of an existing subdivision or any change in the plan for an approved subdivision which affects the lot lines, including land transactions by the subdivider not indicated on the approved plan.

Significant Scenic View Locations: Point where scenic views can be accessed as identified in the Mexico Comprehensive Plan.

Stream, River or Brook: River, stream or brook means a channel between defined banks created by the action of surface water, and which has two (2) or more of the following characteristics.

A. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5 minute series topographic map.
B. It contains or is known to contain flowing water continuously for a period of at least three (3) months of the year in most years.
C. The channel of the bed is primarily composed of mineral material such as sand and gravel, parent material, or bedrock that has been deposited or scoured by water.
D. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no water is present, within the stream bed.
E. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

Street: Public and private ways such as alleys, avenues, highways, roads and other rights-of-ways, as well as areas on a subdivision plans designated as rights-of-ways for vehicular access, other than driveways, farm roads or logging roads.

Subdivision: The division of a tract or parcel of land into three or more lots as defined by state law and including developments where there are three or more units involved such as mobile home parks, multiple family housing, apartment houses, multiple housing units, shopping plazas, business complexes, condominiums, shopping centers and industrial parks.

Subdivision, Major: Any subdivision containing more than five lots or dwelling units, or units in a shopping center or similar commercial establishment or any subdivision containing a proposed street.

Subdivision, Minor: Any subdivision containing not more than five lots or dwelling units, and in which no street is proposed to be constructed or units in a shopping center or similar commercial establishment.

Substantial Construction: The completion of any of the improvement(s) to the total property or individual lots and any infrastructure improvements which is equivalent to 30 percent of the total cost to the developer of such improvements.

Tract, or Parcel, of Land: All contiguous land in the same ownership, whether or not the tract is separated at any point by: an intermittent or non-navigable stream, tidal waters where there is no flow at low tide, or a private road established by the abutting landowners.

SUBDIVIS.ORD. 9/15/98.374/99

29
TOWN OF MEXICO
SUBDIVISION APPLICATION

Subdivision Name: _______________________________
Application No.: ____________________________

APPLICANT INFORMATION

1. Name of Property Owner: _______________________________
   Address: _________________________________________
   Telephone: _______________________________________

2. Name of Applicant: _______________________________
   Address: _________________________________________
   Telephone: _______________________________________

3. If applicant is a corporation, check if licensed in Maine:
   ___YES       ___NO (attach a copy of State's registration)

4. Name of applicant's authorized agent: ___________________________
   Address: _________________________________________
   Telephone # ___________   Registration No. ___

5. Person and address to which all correspondence regarding this application should be sent to:
   __________________________________________________
   __________________________________________________

6. What legal interest does the applicant have in the property to be developed? (ownership,
   option, purchase and sales contract, etc.) Attach evidence of interest. _______________
   __________________________________________________
   __________________________________________________

7. What interest does the applicant have in any abutting property? _______________
   __________________________________________________
   __________________________________________________
8. Location of property: (from County Registry of Deeds) Book _____ Page _____
   (from Tax Maps) Map _____ Lot(s) _____

9. Current Land Use District of property: ________________________

10. Is any portion of the property within 250 feet of the high water make of a pond, river,
    stream or upland edge of a wetland? ____YES ____NO

11. Acreage to be developed? ____________

12. Indicate the nature of any restrictive covenants to be placed in the deeds. (attach copies)
    _______________________________________________________________________
    _______________________________________________________________________
    _______________________________________________________________________

13. Has this land been part of a prior approved subdivision? ___YES ___NO

14. Identify existing use(s) of land.
    _______________________________________________________________________

15. Does the parcel include any water bodies or portions thereof? __YES __ NO

16. Is any portion of the property within a special flood hazard area as identified by the
    Federal Emergency Management Agency? ____YES ____NO

17. List below the names and mailing addresses of property owners abutting the tract to be
    subdivided.
    NAME                         ADDRESS
    _____________________________________________________________
    _____________________________________________________________
    _____________________________________________________________
    _____________________________________________________________
    _____________________________________________________________
GENERAL INFORMATION

18. Proposed name of subdivision: ________________________________

19. Number of lots or units: ________________________________

20. Anticipated date for start of construction: _________________________

21. Anticipated date of completion: ________________________________

22. Identify method of water supply to the proposed development?
   __individual wells
   __central well with distribution on lines
   __public water
   __other - please state alternative ____________________________

23. Identify method of sewage disposal to the proposed development?
   __individual septic tanks
   __central on-site disposal with distribution lines
   __public sewer
   __other - please state alternative ____________________________

23. Identify method of fire protection for the proposed development?
   __fire hydrants
   __dry hydrants located on the existing pond or water body
   __fire pond
   __other - please state alternative ____________________________

24. Does the applicant propose to dedicate to the public any streets, recreation or common lands?
   street(s) ___YES ___NO Estimated length ______
   side walks ___YES ___NO Estimated length ______
   recreation area(s) ___YES ___NO Estimated acreage ______
   common land(s) ___YES ___NO Estimated acreage ______

25. Does the applicant intend to request waivers of any of the subdivision submission requirements? If yes, list them and state reasons for the request.
   ______________________________________________________
   ______________________________________________________
   ______________________________________________________

3
26. State below the estimated total cost of the project, as proposed in this application, and itemize major categories, including estimated costs of activities to be devoted to minimizing or preventing adverse effects on the surrounding environment during construction and/or operation of this project.

Legal_________________ Water Supply_______________________
Surveys_________________ Landscaping_______________________
Roads_________________ Erosion Control_______________________
Sewers_________________ Other______________________________
Structures___________ TOTAL______________________________

27. Attach a statement as to how you plan to finance the project. If the costs involve more than normal legal fees and surveying, personal, or corporate statements or a specific letter from a bank or other reliable financing sources are required.

To the best of my knowledge, all the above stated information submitted in this application is true and correct.

____________________________________  ________________
(signature of applicant)                  (date)

All applicants for subdivision approval are requested to obtain a copy of the Town of Mexico Subdivision Ordinance. In addition to the information requested on this form, the Subdivision Ordinance identifies the submission material necessary for the Planning Board to conduct their review of your subdivision. The submission of the necessary material will expedite the review process.

Thank you.
TOWN OF MEXICO

RECEIPT OF SUBDIVISION APPLICATION

Date: ______________________

Name: ______________________

Address: ______________________

Dear ______________________:

The Mexico Planning Board has received your application for a ______ lot/unit subdivision at ____________________________________________________________.

In accordance with Title 30-A M.R.S.A. Section 4403.3, the Board shall, within thirty (30) days, notify you in writing that the application is a complete application, or if the application is incomplete, the specific additional material needed to make it a complete application. After the Board has determined that a complete application has been filed, it will notify you and begin its full evaluation of the proposed subdivision.

Sincerely,

____________________________________
Chairman

SUBRECEIPT.3/3/99
NOTICE TO ABUTTING PROPERTY OWNERS
OF PROPOSED SUBDIVISION
TOWN OF MEXICO PLANNING

To: ___________________________

Address: ___________________________

______________________________

Date: ___________________________

In accordance with the State Subdivision Law and the Town of Mexico Subdivision Ordinance, the Planning Board is notifying you that it has received an application for subdivision approval. A general description of the proposed subdivision is provided below. Additional information concerning the subdivision is available by contacting the Town Office.

Applicant: __________________________________________

Location: Map #____ Lot #____

Street or Road: ________________________________________

Total Acres Proposed: ________________________________

Number of Lots or Units: ______________________________

Type of Subdivision: ____________________________________

________________________________________

Town of Mexico

SUBDIVIS.NOT. 3/3/99
TOWN OF MEXICO

NOTICE OF COMPLETE SUBDIVISION APPLICATION

Date: __________________________

Name: __________________________

Address: _________________________

Dear ____________________________:

The Mexico Planning Board has reviewed your application for a ______ lot/unit subdivision at __________________________ and found it to be complete.

The board has scheduled a meeting for ______________________ at ________ pm at which time your application will be reviewed for conformance with criteria of Title 30-A MRSA, §4404 and the standards contained in the Town of Mexico Subdivision Ordinance. You or your authorized representative is requested to attend the meeting.

The Board at that time will determine whether to hold a public hearing.

Sincerely,

______________________________
Chairman
Date:________________________

Name:_____________________________________

Address:_____________________________________

Dear ________________:

The Planning Board of the town of Mexico has reviewed your application for a _______ lot/unit subdivision at ____________ and found it to be incomplete.

In order to be considered a complete application the following materials must be submitted:

__________________________

c.

Sincerely,

_______________

Chairman

INCOMPLETE.SUB 3/3/99
TOWN OF MEXICO

SUBDIVISION APPLICATION COMPLETENESS CHECKLIST
MINOR SUBDIVISION

Date: ________________________________

Project Name: ________________________________

Applicant: ________________________________

<table>
<thead>
<tr>
<th></th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Proposed Subdivision Name</td>
</tr>
<tr>
<td>2</td>
<td>Tax Map and Lot Numbers where Subdivision is located</td>
</tr>
<tr>
<td>3</td>
<td>Field survey of boundary lines of tract</td>
</tr>
<tr>
<td>4</td>
<td>Copy of deed and existing covenants affecting property</td>
</tr>
<tr>
<td>5</td>
<td>Proposed covenants and deed restrictions</td>
</tr>
<tr>
<td>6</td>
<td>Contour lines as specified by the Planning Board</td>
</tr>
<tr>
<td>7</td>
<td>Number of acres in subdivision</td>
</tr>
<tr>
<td>8</td>
<td>Location of property lines</td>
</tr>
<tr>
<td>9</td>
<td>Water courses</td>
</tr>
<tr>
<td>10</td>
<td>Location and type of sewage disposal proposed</td>
</tr>
<tr>
<td>11</td>
<td>Test pit data</td>
</tr>
<tr>
<td>12</td>
<td>Location of test pits</td>
</tr>
<tr>
<td>13</td>
<td>Statement from Sewer District</td>
</tr>
<tr>
<td>14</td>
<td>Type of water supply and statement from well driller or Water District</td>
</tr>
<tr>
<td>15</td>
<td>Date plan prepared</td>
</tr>
<tr>
<td>16</td>
<td>Magnetic north</td>
</tr>
</tbody>
</table>
17. Graphic map scale
18. Name and address of record owner, subdivider and individual or company who prepared plan
19. Names and addresses of adjoining property owners
20. Location of land use district boundaries affecting subdivision
21. Proposed lot lines with appropriate dimensions and lot area
22. Soil erosion and sedimentation plan
23. Stormwater management plan
24. Medium intensity soil survey
25. Location and elevation of 100 year floodplain
26. Location of wetlands
27. Location of rivers, streams or brooks within or adjacent to subdivision
28. Location of significant wildlife habitat
29. Location of watershed of lake or pond
30. Phosphorus impact analysis
31. Location of archaeological sites
32. Rare and endangered species
33. Historic buildings and sites
34. Location of scenic locations as identified in Comprehensive Plan
35. Cost of storm drainage and sediment and erosion control
36. Statement of technical and financial capacity
37. Evidence of right, title or interest in the property to be reviewed
38. Application fee
TOWN OF MEXICO

SUBDIVISION APPLICATION COMPLETENESS CHECKLIST
PRELIMINARY PLAN-MAJOR SUBDIVISION

Date:  

Project Name:  

Applicant:  

1. Proposed Subdivision Name  

2. Tax Map and Lot Numbers where Subdivision is located  

3. Field survey of boundary lines of tract  

4. Copy of deed and existing covenants affecting property  

5. Proposed covenants and deed restrictions  

6. Contour lines as specified by the Planning Board  

7. Number of acres in subdivision  

8. Location of property lines  

9. Water courses  

10. Vegetative cover  

11. Location and type of sewage disposal proposed  

12. Test pit data  

13. Location of test pits  

14. Statement from Sewer District  

15. Type of water supply and statement from well driller or Water District  

16. Date plan prepared
<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>17.</td>
<td>Magnetic north</td>
</tr>
<tr>
<td>18.</td>
<td>Graphic map scale</td>
</tr>
<tr>
<td>19.</td>
<td>Name and address of record owner, subdivider and individual or company who prepared plan</td>
</tr>
<tr>
<td>20.</td>
<td>Names and addresses of adjoining property owners</td>
</tr>
<tr>
<td>21.</td>
<td>Location of land use district boundaries affecting subdivision</td>
</tr>
<tr>
<td>22.</td>
<td>Location and size of existing and proposed sewers, water mains, culverts and drainage ways on or adjacent to the property to be subdivided</td>
</tr>
<tr>
<td>23.</td>
<td>Location, names and widths of existing and proposed streets, easements, building lines and open space on or adjacent to the subdivision</td>
</tr>
<tr>
<td>24.</td>
<td>Proposed lot lines with appropriate dimensions and lot area</td>
</tr>
<tr>
<td>25.</td>
<td>Location and conditions of land proposed for public use</td>
</tr>
<tr>
<td>26.</td>
<td>Location of open space to be preserved and its management</td>
</tr>
<tr>
<td>27.</td>
<td>Soil erosion and sedimentation plan</td>
</tr>
<tr>
<td>28.</td>
<td>Stormwater management plan</td>
</tr>
<tr>
<td>29.</td>
<td>Medium intensity soil survey</td>
</tr>
<tr>
<td>30.</td>
<td>Location and elevation of 100 year floodplain</td>
</tr>
<tr>
<td>31.</td>
<td>Location of wetlands</td>
</tr>
<tr>
<td>32.</td>
<td>Location of rivers, streams or brooks within or adjacent to subdivision</td>
</tr>
<tr>
<td>33.</td>
<td>Location of significant wildlife habitat</td>
</tr>
<tr>
<td>34.</td>
<td>Location of watershed of lake or pond</td>
</tr>
<tr>
<td>35.</td>
<td>Phosphorus impact analysis</td>
</tr>
<tr>
<td>36.</td>
<td>Location of archaeological sites</td>
</tr>
<tr>
<td>37.</td>
<td>Rare and endangered species</td>
</tr>
</tbody>
</table>
38. Historic buildings and sites

39. Location of scenic locations as identified in Comprehensive Plan

40. Traffic impact analysis

41. Cost of roads, storm drainage and sediment and erosion control

42. Statement of technical and financial capacity

43. Evidence of right, title or interest in the property to be reviewed

44. Application fee
Mexico Water District

Wellhead Protection Ordinance

Adopted June 12, 2006
Attest: Penny S. Duguay, Town Clerk

Final Revision
May 26, 2006
Mexico Water District
Wellhead Protection Ordinance
May 26, 2006

Project No. 16-06

Final Revision

Prepared by:

A.E. Hodsdon
Consulting Engineers
10 Common Street
Waterville, Maine 04901
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 1 - Purpose</td>
<td>1</td>
</tr>
<tr>
<td>Section 2 - Findings</td>
<td>1</td>
</tr>
<tr>
<td>Section 3 - Definitions</td>
<td>1</td>
</tr>
<tr>
<td>Section 4 - District Boundaries</td>
<td>6</td>
</tr>
<tr>
<td>Section 5 - District Use and Space Standards</td>
<td>8</td>
</tr>
<tr>
<td>Section 6 - Administration and Enforcement</td>
<td>10</td>
</tr>
<tr>
<td>Section 7 - Submission Requirements</td>
<td>12</td>
</tr>
<tr>
<td>Section 8 - Performance Standards</td>
<td>13</td>
</tr>
<tr>
<td>Section 9 - Non-conformance</td>
<td>16</td>
</tr>
<tr>
<td>Section 10 - Appeals</td>
<td>17</td>
</tr>
<tr>
<td>Section 11 - Legal Provisions</td>
<td>18</td>
</tr>
</tbody>
</table>
Section 1. Purpose

A. To manage the groundwater recharge areas of the Mexico Water District's aquifer in order to maintain the present rate of recharge and, where possible, to enhance recharge - thus ensuring a dependable water supply to the Town for the future.

B. To protect the aquifer from contaminants, which can reasonably be expected to accompany certain uses of land or activities, thereby maintaining the aquifer's high water quality. The water quality for the municipal water supply will require efforts by all residents in the Town of Mexico to ensure that the quality of the supply remains pure.

Section 2. Findings

A. The Town of Mexico is fortunate in that it has access to a water supply that is both plentiful and of excellent quality. The Mexico Water District draws water to serve roughly 960 people in Mexico. The total demand from customers is 225,000 gallons of water per day, a rate that is relatively consistent throughout the year.

B. Rainfall and snowmelt replenishes the aquifer through a process known as recharge. Increasing density of development creates impervious surfaces (areas which water cannot penetrate to reach groundwater), which decrease the amount of water available for use from aquifers. Diminishing recharge also decreases the amount of water available to dilute pollutants.

C. The most likely sources of contamination are not necessarily large industries, but often small businesses such as gas stations, dry cleaners, and automotive shops; spills or improper disposal of wastes. Other pollution problems result from elevated concentrations of nitrates, and are linked to more common land uses such as household septic systems and use of fertilizers for agriculture.

D. Thompson Brook has been determined to be a "losing stream" meaning that water flowing in the brook enters the aquifer. The water quality of this brook can affect the water quality of the aquifer. Therefore, the water quality of the brook must also be protected.

Section 3. Definitions

Definitions from Mexico's Shoreland Zoning Ordinance shall apply unless the definitions below are more restrictive.
**Accessory Uses:** A use or structure, which is incidental or subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

**Agriculture:** The cultivation of soil, producing or raising of crops, for commercial or other purposes, on more than one (1) acre of land. The term shall also include tree, plant and shrub nurseries and versions thereof.

**Animal Husbandry:** Keeping of more than five (5) animal units (one (1) animal unit represents 1,000 pounds of live animal weight).

**Aquifer:** A saturated body of soil or rock that will yield economically significant quantities of water to wells and springs. Aquifers that yield over 10 gallons per minute are considered "high yield" aquifers. The estimated yield of the Mexico Water District aquifer is 330 gallons per minute.

**Automobile Graveyard:** As defined by 30-A M.R.S.A. Section 3752.

**Campground:** Any area or tract of land to accommodate two or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

**Car Wash:** A commercial facility for the cleaning of automobiles.

**Cemetery:** An area for more than 10 graves.

**Commercial Animal Feedlots:** A lot, building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals for commercial purposes and specifically designed as a confinement area in which manure may accumulate. Pastures shall not be considered animal feedlots under this ordinance.

**Commercial Use:** A business in which the principal use is the sale of goods and/or services to the general public or other businesses. Indoor storage of goods and equipment is considered as an accessory use. Outdoor storage and uses that fit the definition of industrial use are not included in this definition.

**Cone of Depression (or Drawdown Cone):** A depression that is created by a well in the water table surface of a body of groundwater and that has the shape of an inverted cone and develops around the well from which water is being pumped.
**Contained Salt, Sand/Salt Storage Piles**: Salt or sand/salt mixtures stored under cover.

**Demolition/Stump Dump**: An area used for the disposal of construction/demolition debris (as defined in CMR Chapter 400.1.X) or wood waste including stumps, roots, etc.

**Disposal**: The discharge, deposit, injection, dumping, spilling, leaking, incinerating, or placing of waste materials in or on any land or water.

**Drawdown**: The difference between the static water elevation the water table at that point when the well is being pumped.

**Dry Cleaning Establishment**: Commercial establishment for dry cleaning clothes.

**Dwelling Unit**: A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking and eating. This term shall not include hotels, motels, and bed and breakfast establishments without cooking facilities in individual rooms or suites.

**Engineered Subsurface Disposal System**: A system or a combination of individually or jointly owned systems, which serve a single building or group of associated buildings with a total design flow in excess of 2,000 gallons per day. Examples include condominium projects and clustered systems serving residential dwellings. Residential dwellings with individual systems shall not be included.

**Forestry/Timber Harvesting**: The cutting or removal of at least 50 cords, or equivalent, of timber on a contiguous ownership during a calendar year for the primary purpose of selling or processing forest products. Timber harvesting does not include the clearing of land exclusively for approved construction or the construction or creation of roads.

**Full Hydrogeological Study**: A study done by a Maine certified geologist that analyzes the subsurface geology of a site, particularly as it relates to groundwater characteristics, and assesses the impact a proposed subsurface waste disposal system or other activity will have on the quality of this groundwater.

**Furniture Stripping**: Commercial or industrial establishment involved in the stripping and refinishing of furniture.

**Gas Station**: Establishment involved in the storage or dispensing of petroleum fuels.

**Hazardous Material**: This term shall mean any gaseous, liquid or solid materials or substances designated as hazardous by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.
**Home Occupation:** An occupation or profession carried out for gain by a resident and conducted as an accessory use in or about the residential dwelling unit. To be considered a home occupation and not a commercial business, the home occupation must be secondary and incidental to the primary use of the premises as a residence, be carried on wholly within the principal structure or accessory structures hereto and be conducted primarily by a member or members of the family residing in the dwelling unit.

Examples of Home Occupations include:
1. Beauty shops
2. Office of physician or dentist
3. Day care center
4. Woodworking

The term does not include auto repair or auto body shops.

**Impervious Surface:** Natural or man-made material on the ground that does not allow water to penetrate into the soil. Impervious surfaces consist of all buildings, paved parking lots, driveways, roads and sidewalks, and any area of concrete, asphalt, plastic or metal.

**Industrial Use:** A use that involves the mechanical transformation of materials into new products, including manufacture, compounding, assembly or treatment of articles or materials.

**In-Law Apartment:** A separate living quarters added to an existing single-family residence for use by parents, grandparents, or dependents. An in-law apartment shall not be considered an additional dwelling unit if no expansion of the structure takes place to accommodate the apartment.

**Junkyards:** As defined by 30-A M.R.S.A Section 3752.

**Kennels:** Commercial facility involved in the raising or housing of five or more pets such as cats, dogs, etc.

**Leachate Material:** Liquid from solid materials that may contain harmful contaminants.

**Manufacturing:** An industrial/commercial establishment, which produces objects or materials (goods).

**Metal Plating:** An industrial/commercial establishment involved in the plating of metals.

**Multifamily Home:** A structure that houses three (3) or more dwelling units as defined.
**Non-domestic Waste Stream**: Waste products not typically associated with residential use.

**Open Space**: Undeveloped area.

**Petroleum**: Oil, gasoline, petroleum products and their by-products, and all other hydrocarbons which are liquid under normal atmospheric conditions.

**Photo Processors**: Commercial establishment involved in the business of developing film.

**Primary Recharge Area**: The area contributing most directly to the groundwater source. The primary recharge area is defined as Zones 1 and 2 on the Wellhead Protection map.

**Public Utilities**: Any person, firm, corporation, municipal department or facility, board or commission authorized to furnish electricity, communication facilities, transportation or water or public works to or for the public.

**Recharge Area**: The area of land or water that contributes water to an aquifer. For the purpose of this ordinance, the recharge area of the Mexico Water District aquifer is comprised of a primary and secondary recharge area.

**Residential**: Land use, which is for permanent, seasonal or temporary dwellings.

**Safe Yield**: The amount of water that can be withdrawn annually from a groundwater source without producing an undesirable effect. Undesirable effects include depletion of groundwater reserves, intrusion of low quality water, contravention of water rights and others, such as depletion of stream flow and land subsidence.

**Sand & Gravel Extraction**: Moving, removing or uncovering of natural resources such as sand & gravel and other materials over an area greater than 5 acres in size. Site preparation for approved construction or road building does not constitute sand & gravel extraction.

**Sawmills or Wood Processing Plant**: An industrial/commercial facility involved in the processing of raw wood.

**Secondary Recharge Area**: The area contributing less directly than the primary recharge area but which constitutes a significant percentage of total recharge to the aquifer. For the purpose of this ordinance, the secondary recharge area shall consist of the drainage area of Thompson Brook as established by topographical high points, excluding the area defined as the primary recharge area. This area is identified as Wellhead Protection - Zone 3 on the Wellhead Protection Map.
Service & Repair, Boats and Motor Vehicle: Commercial facility involved in the repair of boats and motor vehicles.

Single-family Home: A dwelling designed for or occupied exclusively by one (1) family.

Sludge: Residual materials produced by water or sewage treatment processes and by septic tanks.

Solid Waste: Useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing. This includes but is not limited to rubbish, garbage, scrap materials, junk, and refuse.

Subdivision: As defined by MSRA Title 30.

Truck Terminal: Commercial facility providing maintenance, storage and/or fueling facilities for commercially registered trucks.

Two-family Home: A dwelling designed for or occupied exclusively by two (2) families.

Uncontained Salt, Sand/Salt Storage Piles: Salt or sand/salt mixtures stored in the open without an approved cover and runoff/leachate collection system.

Waste Water: Any liquid waste containing animal or vegetable matter in suspension or solution, or the water carried wastes from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or other sources of water-carried wastes of human origin. The term does not include industrial, hazardous or toxic waste streams.

Waste Water Disposal System: Any system designed to dispose of waste or waste water on or in the surface of the earth or in surface water bodies.

Watershed: The area of contribution to a surface water body or aquifer. It is defined by topographic high points.

Section 4. District Boundaries

A. For the purposes of this ordinance, and in order to carry out its regulations, the Mexico Water District Aquifer Protection District shall be delineated on a map titled "Mexico Water District Aquifer Wellhead Protection Map", referred to hereafter as "the Map".

B. A copy of said map will be available for inspection in the Town Office and shall be updated as new information relevant to the criteria listed below, provided a Maine certified geologist, provides sufficient evidence to warrant a change.
C. The Aquifer Protection District includes three (3) zones:

**Zone 1** land that is shown on the Map that consists of land within 300 feet of each wellhead.

**Zone 2** which consists of the area depicted on the Map between the 200 day and the 2500 day time of travel. Zone 2 also includes a 250 foot buffer on each side of Thompson Brook.

**Zone 3** which consists of the watershed of Thompson Brook as determined by U.S.G.S. maps, exclusive of Zone 2 as shown on the Map. This area also constitutes the secondary recharge area.

D. Revision of Map

1. Where the bounds of a Wellhead Protection District, or the position of a site in relation to the District, is in dispute, the burden of proof shall be upon the owner(s) or occupier(s) of the land in question to show where they should be properly located.

2. No changes to the Map shall be made until the Planning Board holds a public hearing, notice of which shall be at least 10 days prior to such hearing in a newspaper of general circulation in the Town of Mexico and surrounding communities and to all abutters of affected property. At said hearing the Planning Board shall hear the evidence demonstrating why the boundary of the Wellhead Protection District or subdistrict shall be changed. Evidence shall include a report from a geologist certified in the State of Maine with proven experience in hydrogeology. The Board shall also notify the Mexico Water District of the hearing at least 14 days prior to the date of the hearing. Within 30 days of the hearing, the Planning Board shall decide whether to recommend to the Selectmen that the proposed Map amendment be placed on the next Town Meeting or special town meeting warrant.

3. Any time the Map is revised, the date of adoption of the revised map by town meeting and signature of the Town Clerk certifying the revision shall be noted on the map.
### A. Uses of Land within Zone

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Zone 1</th>
<th>Zone 2</th>
<th>Zone 3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Residential</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory Uses</td>
<td>Pr</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Single-family homes</td>
<td>Pr</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Home occupations</td>
<td>Pr</td>
<td>Pr</td>
<td>P</td>
</tr>
<tr>
<td>Two-family homes</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Multi-family homes</td>
<td>X</td>
<td>X</td>
<td>Pr</td>
</tr>
<tr>
<td>In-law apartments</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td><strong>2. Commercial</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agriculture</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Animal husbandry other than commercial animal feed lots</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Boats, automotive body shops, motor vehicle service &amp; repair</td>
<td>X</td>
<td>Pr</td>
<td>P</td>
</tr>
<tr>
<td>Campgrounds</td>
<td>X</td>
<td>X</td>
<td>Pr</td>
</tr>
<tr>
<td>Car Washes</td>
<td>X</td>
<td>X</td>
<td>Pr</td>
</tr>
<tr>
<td>Commercial uses with non-domestic waste streams</td>
<td>X</td>
<td>X</td>
<td>Pr</td>
</tr>
<tr>
<td>Dry cleaning establishments</td>
<td>X</td>
<td>X</td>
<td>Pr</td>
</tr>
<tr>
<td>Forestry/timber harvesting subject to the performance standards of the Town's Shoreland Zone Ordinance within 250 ft. of Thompson Brook</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Furniture stripping</td>
<td>X</td>
<td>X</td>
<td>Pr</td>
</tr>
<tr>
<td>Gas stations</td>
<td>X</td>
<td>X</td>
<td>Pr</td>
</tr>
<tr>
<td>Kennels</td>
<td>X</td>
<td>Pr</td>
<td>P</td>
</tr>
<tr>
<td>Photo processors</td>
<td>X</td>
<td>X</td>
<td>Pr</td>
</tr>
<tr>
<td>Truck terminals</td>
<td>X</td>
<td>X</td>
<td>Pr</td>
</tr>
<tr>
<td><strong>3. Industrial</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sand and gravel extraction</td>
<td>X</td>
<td>Pr</td>
<td>Pr</td>
</tr>
<tr>
<td>Junkyard/automobile graveyard</td>
<td>X</td>
<td>X</td>
<td>Pr</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>X</td>
<td>X</td>
<td>Pr</td>
</tr>
<tr>
<td>Metal plating</td>
<td>X</td>
<td>X</td>
<td>Pr</td>
</tr>
<tr>
<td>Sawmills or wood processing plant</td>
<td>X</td>
<td>X</td>
<td>Pr</td>
</tr>
<tr>
<td>Other industrial uses with non-domestic waste streams</td>
<td>X</td>
<td>X</td>
<td>Pr</td>
</tr>
<tr>
<td>Land Use</td>
<td>Zone 1</td>
<td>Zone 2</td>
<td>Zone 3</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
<td>--------</td>
<td>--------</td>
<td>--------</td>
</tr>
<tr>
<td>Cemetery</td>
<td>X</td>
<td>X</td>
<td>Pr</td>
</tr>
<tr>
<td>Disposal or storage of solid waste, hazardous materials or leachate</td>
<td>X</td>
<td>Pr</td>
<td>Pr</td>
</tr>
<tr>
<td>materials (unless specifically permitted within the Zone)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot;Engineered&quot; (wastewater disposal) system when accompanied by a full</td>
<td>X</td>
<td>Pr</td>
<td>Pr</td>
</tr>
<tr>
<td>hydrogeological study and meeting the performance standards herein</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open space</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Outdoor recreation, except those which disrupt the surfaces of</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>hillsides or other watershed areas</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foot bridge and bicycle paths</td>
<td>P</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Uncontained salt, sand/salt storage piles</td>
<td>X</td>
<td>X</td>
<td>Pr</td>
</tr>
<tr>
<td>Wastewater disposal system</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Use of off-road vehicles except on designated trails</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Public utilities</td>
<td>Pr</td>
<td>Pr</td>
<td>Pr</td>
</tr>
<tr>
<td>Contained salt, sand/salt storage piles</td>
<td>X</td>
<td>Pr</td>
<td>Pr</td>
</tr>
<tr>
<td>Roads and parking areas</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Application of chemical fertilizers, herbicides or pesticides on more</td>
<td>X</td>
<td>X</td>
<td>P</td>
</tr>
<tr>
<td>than three (3) acres of land</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application of chemical fertilizers, herbicides or pesticides on more</td>
<td>X</td>
<td>X</td>
<td>Pr</td>
</tr>
<tr>
<td>than five (5) acres of land</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Demolition/stump dumps</td>
<td>X</td>
<td>Pr</td>
<td>Pr</td>
</tr>
<tr>
<td>Subsurface storage of petroleum and other refined petroleum products</td>
<td>X</td>
<td>X</td>
<td>Pr</td>
</tr>
<tr>
<td>with the exception of household heating oil where the underground</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>storage tank is in full compliance with Volume 2 of the Code of Maine</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>rules, 4th Printing, DEP Bureau of Oil and Hazardous Materials,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chapter 691 Regulations for Underground storage facilities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Petroleum storage for commercial or industrial use</td>
<td>X</td>
<td>X</td>
<td>Pr</td>
</tr>
<tr>
<td>Land application of manure in conformance with the handbook &quot;Manure</td>
<td>X</td>
<td>P</td>
<td>P</td>
</tr>
<tr>
<td>Utilization Guide&quot; published by the Maine Department of Agriculture,</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-residential pipelines for transmission of oil, gas or</td>
<td>X</td>
<td>X</td>
<td>Pr</td>
</tr>
<tr>
<td>hazardous materials</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Aerial spraying of herbicides, pesticides</td>
<td>X</td>
<td>X</td>
<td>Pr</td>
</tr>
</tbody>
</table>

X - Not Permitted
P - Permitted (provided that performance standards contained in Section 8 of this Ordinance are met).
Pr- Requiring Planning Board review.
Section 6. Administration and Enforcement

A. No activity or land use may be conducted in Zone 1 or 2 except in accordance with these provisions. Failure to conform with these provisions shall constitute a violation and shall be subject to penalties and actions set forth in this ordinance.

B. All activity within Zone 3 in the Town of Mexico shall meet these requirements and shall follow the guidelines set forth in this ordinance. The Mexico Water District shall be notified in writing prior to any decisions made on the activity by the CEO or the Planning Board. All activities within the Shoreland Zone of the Swift River and its tributaries in the Town of Mexico shall require Planning Board approval. The District shall be notified in writing of the activity and the date of the planning board meeting where the activity will be presented. The CEO will be responsible for notifying the District of these impending activities.

C. For areas within Wellhead Protection Districts that are governed by the Shoreland Zoning Ordinance, the more restrictive standards shall be applied.

D. If any portion of a lot is located in Zone 1 or Zone 2, all the land located in Zone 1 shall be governed by the regulations for Zone 1, and the land located in Zone 2 shall be governed by the regulations for Zone 2.

E. Individuals proposing uses listed as permitted in Section 5 shall submit all applicable information required in Section 7 (submission requirements) to the Town of Mexico Code Enforcement Officer (hereafter referred to as the "CEO") with a building permit application. The CEO shall review this information to determine whether the proposed use or dwelling meets the requirements of the Wellhead Protection District, including performance standards for subsurface waste disposal systems, petroleum storage, lot coverage, any other applicable standards. A building permit shall not be issued until the applicant demonstrates that the proposed use or dwelling meets all requirements of the Wellhead Protection District. The CEO shall notify the Chairman of the Planning Board and the Chairman of the Mexico Water District Trustees of any applications for uses proposed in the Aquifer Protection District.

F. The Planning Board (hereafter referred to as "the Board") shall review all other proposed uses requiring review listed in Section 5.

1. The Planning Board may consult other local boards or groups regarding uses or development in the Wellhead Protection District such as the Conservation Commission.
2. The Board may require an applicant to submit a hydrogeological study examining the potential impact of the proposed use on groundwater quality. The study must be prepared by a Maine Certified Geologist with proven experience in hydrogeology. The Board may hire an expert to review all information submitted by the applicant and may charge the applicant the cost of the consultant.

3. The Board shall notify the Water District of any applications for uses proposed in the Wellhead Protection District. The Board shall request Water District review of the development or use as a condition of its approval.

4. Such information requested by the Board from outside parties shall be incorporated into the public record and be made available to the applicant. The Board shall decide whether a public hearing is warranted.

5. The Board shall, approve, deny or approve with conditions an application if it makes a positive finding, based on the information presented, that:

   a. The proposed use meets the specific requirements set forth in this ordinance and will be in compliance with all applicable state and federal laws;

   b. The proposed use meets all applicable performance standards;

   c. The proposed use will not create the risk of bacterial or viral contamination of groundwater in Zone 1;

   d. Control measures proposed to prevent adverse impacts on water quality are adequate and reliable;

   e. The use will not involve disposal of solid waste, hazardous materials, or leachable materials as prohibited under the terms of this District;

   f. Petroleum stored-on-site will be properly contained so as to prevent contamination of the groundwater by leaks or spills.

H. The CEO shall enforce the provisions of the Aquifer Protection District in accordance with M.R.S.A. Title 30-A, Section 4452. The C.E.O. and/or a representative of the Water District may, at reasonable hours, with the consent of the property owner, occupant, or agent enter on any property for determination of compliance with the provisions of this District.
I. The Planning Board can require installation and regular sampling of water quality monitoring wells for any use deemed to be a significant, actual or potential, source of pollution.

   1. The number, location and depth of the monitoring wells shall be determined by a Maine licensed engineer or certified geologist chosen or approved by the Town in accordance with "Guidelines for Monitoring Well Installation and Sampling" (Tolman, Maine Geologic Survey, 1983).

   2. Results from monitoring well samples shall be submitted to the Water District with evidence showing that contaminant concentrations do not exceed 1/2 of any federal, state or local drinking water quality standards.

J. For subdivisions located in the Wellhead Protection District, the Board shall apply the purpose, terms, and criteria of this District to its review. The Board may require submission of a hydrogeological study, prepared by a Maine Certified Geologist with proven experience in hydrogeology, which examines a subdivision’s impact on groundwater quality.

K. The CEO is authorized to issue a cease and desist order whenever he becomes aware of violations of this ordinance. Any person, firm or corporation being the owner of or having contract for use of any building or premises who violates this cease and desist order, or is found guilty of violating any other provisions of this ordinance, commits a civil violation and is subject to a fine of not less than $100 and not more than $2,500 for each violation. Each day such a violation is permitted to exist after notification thereof shall constitute a separate offense.

L. Existing and future activities of the Mexico Water District are exempt from regulation under this ordinance. Refer to Section 11, Part D of this Ordinance. This exemption is necessary to allow the District to carry out its purpose of supplying high quality water to the residents of Mexico.

Section 7. Submission Requirements

A. Applications for permission to carry out any activity in the Wellhead Protection District requiring Planning Board review shall be accompanied by the following information.

   1. Site Plan drawn to a scale no smaller than 1 inch equals 100 feet showing:
      a. Wellhead Protection District boundaries if they cross the parcel.
      b. Boundaries of the property and abutting streets.
      c. Outlines of all buildings.
      d. Layout and location of access drives, parking areas and vehicular maneuvering areas.
      e. Location of all petroleum storage tanks.
f. Location of buffers, landscaping, and existing vegetation, which may be retained.
g. Location and description of storage areas and types of materials to be stored.
h. Location of wastewater disposal systems or public sewer facilities.
i. Location of all public and private water supplies on the property and abutting properties.

B. A description of the manner in which the applicant shall meet all applicable Performance Standards.

C. Where Applicable

1. A complete list of all chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use, and a description of measures to provide for control of spills.

2. For animal husbandry operations, a Conservation Plan, approved by the local Soil and Water Conservation District.

3. For dwellings with subsurface waste disposal systems, a complete site evaluation form (HHE-200).

D. If required by the Planning Board

1. A map showing groundwater contours of the seasonal high water table.

2. A hydrogeological study of the proposed use's impact on groundwater quality.

3. Water quality data from on-site monitoring wells.

4. Any other information needed to prove that the use will not adversely affect groundwater quality.

Section 8. Performance Standards

All site plan and subdivision proposals and other proposals for structures, uses and activities within the Wellhead Protection District shall conform to use standards contained in the Ordinance and the following minimum levels of performance.
A. General Standards

1. All such proposals shall be consistent with the need to protect the quality and quantity of Mexico’s groundwater supply.

2. In cases where proposed uses are not listed as permitted or prohibited uses above, the Planning Board shall make a finding on whether the use is permitted or prohibited based on its similarity or dissimilarity with listed permitted and prohibited uses.

3. Whenever possible, streets, roads and parking areas shall be designed and constructed so that reduced application of road salt can occur without creating winter safety problems and so that runoff from such uses is channeled to avoid or minimize groundwater contamination.

B. Erosion and Sedimentation Control


2. For residential subdivisions, commercial and industrial developments and other major subdivisions, a sedimentation and erosion plan prepared according to the specifications of the Oxford County Soil and Water Conservation District shall be submitted by the applicant.

C. Manure Storage

Agricultural operations must provide manure containment facilities for manure storage. Facilities must have the storage capacity to contain one year's production and must be covered.

D. Preservation of Landscape

The landscape shall be preserved in its natural site, insofar as is practicable, by minimizing tree, vegetation and soil removal, retaining existing vegetation wherever possible, and keeping grade changes consistent with neighboring areas.

E. Runoff

1. For residential subdivisions, commercial and industrial developments and other major subdivisions, the developer shall submit a stormwater runoff plan, showing calculations for pre-development and post-development runoff for the site for a 25-year, 24-hour frequency storm, and planned runoff control measures to accommodate this storm event.
2. Unless it can be shown that an increase in runoff will have no off-site impact, peak runoff from the site in the developed state shall not be increased beyond that in the undeveloped state.

**F. Subsurface Waste Disposal Systems**

1. On-site waste disposal systems shall be designed and located so as to avoid or minimize groundwater contamination.

2. Disposal of hazardous or toxic materials to subsurface waste disposal systems including organic solvents designed for cleaning septic systems is prohibited.

3. Engineered Systems in Zone 2 shall be reviewed and approved by the Department of Human Services, Health Engineering Division. In addition, the applicant shall submit to the Planning Board a full hydrogeological study of the proposed engineered system.

   The study shall demonstrate that the development will not increase any contaminant concentration in the groundwater to more than one-half of the Primary Drinking Water Standards adopted by the State of Maine, Department of Human Services.

   The Study shall also demonstrate that the project will not increase any contaminant concentration in the groundwater to more than 1/2 of the Secondary Drinking Water Standards adopted by the State of Maine, Department of Human Services.

**G. Sand and Gravel Extraction**

1. Pits shall not be excavated lower than five (5) feet above the average seasonal high water table.

2. Petroleum products shall not be stored in sand and gravel pits. Refueling and oil changes that must be conducted in the pit shall take place over containment areas constructed to contain the maximum possible spill from entering the ground.

3. Absorbent pads shall be kept on-site to be used immediately should any petroleum products be spilled on the soil.
4. No hazardous materials shall be used, stored or deposited within the excavation area.

5. Access roads into and around the pit shall not be oiled, salted, or paved.

6. No ditches, trenches, pumping or other methods shall be used to lower the water table to permit more gravel extraction than could occur under natural conditions.

7. Access to the pit shall be strictly controlled at all times with locking gates, and when the operation is finished, all vehicular entrances shall be made impassable.

8. Structures and subsurface waste disposal systems shall be sited a minimum 75 feet from the gravel pit slopes in excess of 40%.

9. Reclamation projects shall, in addition to loaming and seeding for stabilization, include revegetation of exposed areas with trees.

H. Forestry Management

Timber harvesting shall be conducted in strict accordance with guidelines contained in the Maine Forest Service reference "Best Management Practices for Forestry: Protecting Maine Water Quality, latest edition and in accordance with all other applicable State or local regulations.

Section 9. Non-conformance

A. Structures, uses and lots which were legally existing as of 1/1/42 (the effective date of this ordinance) but which do not conform to the requirements of the ordinance shall be treated as nonconforming and may continue and be maintained, repaired and improved.

B. All expansions of structures (outside the Shoreland Zone) shall be permitted as long as they meet the other standards of this ordinance.

C. Expansions of nonresidential structures/facilities that are nonconforming because the use carried out within the structure or facility is prohibited by this Ordinance, shall not be permitted. In cases of undue hardship, the Board of Appeals may issue a variance for a one-time increase of no more than 15% of the gross floor area of the existing structure, as long as this expansion meets the other standards of this ordinance. Nonconforming uses that are discontinued for more than one-year duration after the effective date of this ordinance, shall be treated as new uses.
Section 10. Appeals

A. Administrative Appeals

1. If the Planning Board or Code Enforcement Officer disapproves an application for a building permit, septic or subsurface sanitary disposal system permit, or any other use permit issued under the authority of this ordinance, or grants any of these permits subject to conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the ordinance do not apply, or that the true intent of the ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, town officials, or other parties aggrieved may appeal the decision of the Planning Board or C.E.O. in writing to the Board of Appeals, within 30 days of the Planning Board's or the C.E.O.'s decision. The Board of Appeals may reverse the Planning Board's or the C.E.O.'s decision after holding a public hearing if a finding is made that the decision was clearly contrary to the provisions of the ordinance or was unsupported by substantial evidence. Public hearings shall be held in accordance with the provisions of Title 30-A M.R.S.A. Section 2691 as amended. Administrative appeals shall be administered according to the provisions of the Mexico Shoreland Zoning Ordinance.

2. If the Planning Board disapproves an application for subdivision approval which is subject to the provisions of this ordinance, or approves an application for subdivision approval subject to conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the ordinance do not apply, or that the true intent of the ordinance has been misconstrued or wrongfully interpreted, an appeal from the order of decision of the Planning Board may be taken by the applicant, an abutting landowner, town officials, or any aggrieved party to Maine Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

B. Variances

1. In certain instances where a literal application of the standards of this ordinance would cause the imposition of an undue hardship, as defined in M.R.S.A. Title 30-A Section 4353 as amended, upon an applicant, the Board of Appeals may grant a variance to these standards. A variance shall not be granted by the Board of Appeals unless and until a written application for a variance has been filed and reviewed by the Board of Appeals in accordance with the provisions of the Mexico Shoreland Zoning Ordinance.
Section 11. Legal Provisions

A. Authority

This ordinance has been prepared in accordance with the provisions of Revised Statutes of Maine, as amended.

B. Title

This ordinance shall be known and cited as the Wellhead Protection Ordinance for the Mexico Water District Aquifer.

C. Interpretation

Interpretation of what may not be clear in this Ordinance shall be according to the intent of the Ordinance and the Comprehensive Plan.

D. Conflict within this Ordinance or with other Ordinances

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

E. Separability

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

F. Effective Date

The effective date of this ordinance is 6/12/2006.
NOTES:
1. WELLHEAD PROTECTION ZONES DERIVED FROM "MEXICO WATER DISTRICT GROUND-WATER TRAVEL TIME ZONES" BY ANDREWS W. TOLMAN, 300 FOOT ZONE 1 RADIUS AND 250 FOOT SETBACK FROM THOMPSON BROOK.
2. THOMPSON BROOK IS A LOSING STREAM AND IS THEREFORE A PRIMARY SOURCE OF RECHARGE TO THE SAND & GRAVEL AQUIFER.
3. GIS DATA FROM THE MAINE OFFICE OF GIS.
4. DATUM IS NAD 1983 UTM ZONE 19N.
NOTES:
1. WELLHEAD PROTECTION ZONES DERIVED FROM "MEXICO WATER DISTRICT GROUNDWATER TRAVEL TIME ZONES" BY ANDREWS, W. TOLMAN. 300 FOOT ZONE 1 RADIUS AND 250 FOOT SETBACK FROM THOMPSON BROOK.
2. THOMPSON BROOK IS A LOSING STREAM AND IS THEREFORE A PRIMARY SOURCE OF RECHARGE TO THE SAND & GRAVEL AQUIFER.
3. GIS DATA FROM THE MAINE OFFICE OF GIS.
4. DATUM IS NAD 1983 UTM ZONE 19N.
TOWN OF MEXICO, MAINE
YARD SALE ORDINANCE

Table of Contents

Section A: Permit Required
Section B: Definitions
Section C: Requirements
Section D: Enforcement
Section E: Violation

Town of Mexico, Maine
Yard Sale Ordinance

The Town of Mexico hereby ordains:

A. Permit Required

No person, firm, corporation, or other entity shall conduct a yard sale in the Town of Mexico without first obtaining a yard sale permit from the town clerk or designee.

1. Permit Fee: The fee for such a permit shall be paid in accordance with the fee schedule. Civic groups, school groups, church groups, charitable, or fraternal organizations shall be issued a yard sale permit free of charge.
2. Permit to be Posted: Yard sale permits issued under this ordinance shall be posted at the yard sale location which is easily visible from the street.

B. Definitions

1. Words and terms shall have their customary dictionary definitions.
2. Yard sale. The sale of goods from a residential premises, whether advertised in local media, by signs, or otherwise as a yard sale, barn sale, garage sale, household sale, moving sale, or other sale, whether accomplished by direct sale or auction, or the sale, at the seller’s place of residence, of all or part of the household goods, whether accomplished by direct sale or auction; or sales conducted by civic groups, school groups, church groups, charitable, or fraternal organizations and other nonprofit organizations if such sale is held on the organization’s premises or within Town of Mexico’s business district.
3. Residential premises. A building or structure having at least one dwelling unit and lot of land associated therewith.
C. Requirements

1. No yard sale may be conducted for more than three (3) consecutive days, at the end of such time all sale items are to be removed from the exterior. No person, firm, corporation, or other entity shall conduct more than four (4) yard sales from any residential premises or location in any one (1) calendar year.

2. All such sales from non-residential properties shall comply with the Land Use Regulation Ordinance of the Town of Mexico except yard sales conducted by civic groups, school groups, church groups, charitable, or fraternal organizations and other nonprofit organizations, which shall be governed by this ordinance.

3. Signs designating yard sales shall not exceed four (4) square feet and shall bear the name, address, telephone number, and permit number of the permittee.

4. Selectmen to supply permit signs for the public. The sign shall also include the start and end date of the sale.

5. Signs shall not obstruct traffic views and shall be removed immediately after the sale has ended.

D. Enforcement

This ordinance shall be enforced by the police department and/or the code enforcement officer of the Town of Mexico.

E. Violation

Any person who violates any provision of the section, or fails to comply with any of its requirements, shall upon conviction thereof, be fined not less than ten dollars ($10) or more than one hundred dollars ($100) each day such violations continues shall constitute a separate offense. Anyone that violates any provision of the ordinance shall not be issued another permit for that address for the remainder of the year.

Date adopted: June 10, 2008

Attest: Penny L Duguay
Town Clerk