2018

Town of Norway Maine Ordinances

Norway, Me.
As of December 1, 2010 the State of Maine mandated all towns over a population of 4,000 or more that had previously adopted any building code on or before August 1, 2008, adopt and enforce the new Maine Uniform Building and Energy Codes. This is applicable Statewide.

A. MUBEC does not apply to:
   • Log homes
   • Manufactured homes
   • Post and Beam or timber frame homes
   • Warehouses
   • Seasonally restricted cottages (until June 15, 2012 then this is repealed at the State level and all homes shall be built to IRC 2009.)

Norway Building Code Ordinance

An ordinance to provide for the health, safety, and public welfare through regulation of new construction, alteration and replacement of buildings by specifying standards for sanitation, for prevention of destruction by fire or collapse, and for satisfying the aesthetic taste. It also provides for the issuing of permits, provides for penalties and prescribes a method of appeal.

Sec. 1 Scope. All building construction in Maine, with some exceptions, is governed by the Maine Uniform Building and Energy Codes, which is adopted by the Technical Building Codes and Standards Board pursuant to 10 MRS Chap 1103. The provisions of this code shall apply to new construction. It shall also apply to alteration and addition, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one-and two family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures relocation and placement of dwellings and manufactured housing of part thereof.

   A) The provisions for this Code shall apply to commercial or industrial buildings or their construction, and to residential conversions or apartment buildings of more than two (2) units. Plans for such contemplated building or alteration shall be submitted to the Planning Board for review and authorization of permit.
   B) Provisions for this Code shall apply to existing electrical and sewer installations on the basis of health and safety.

Sec. 2 Definitions. For the purpose of this Ordinance the following words or phrases shall have the meaning ascribed to them in this section:

   A) Accessory Structures: Sheds, lean-tos, gazebos etc... shall be determined to be single story (walls not to exceed 9’ in height) from the lowest natural grade of the ground and’ 15’ overall height with no second story open space.
   B) Dwelling. Shall mean any building occupied for more than six (6) months in any 12 month period.
   C) Manufactured Housing. Mobile and modular homes shall display a HUD approval plate or a plate indicating Maine State approval, designed and constructed for permanent occupancy, having separate living and sleeping rooms and having provisions for connection to sewer, water, and electricity. Used manufactured homes will have to meet the Used Manufactured Home Standards for for current electrical and plumbing standards. (typically 1976 and newer manufactured homes meet this standard).
   D) Recreational Vehicle, tow behind camper, fifth-wheels and class A, B or C motor coaches. Shall mean a recreational and/or travel trailer not designed for permanent human occupancy. See Sec 14 for additional restrictions.
E) **Living Space.** Shall mean actual enclosed space suitable for year-round occupancy. It shall not include porches, patios, and similar areas whether enclosed or not.

F) **Commercial/Industrial.** Shall mean buildings, which are used, for sales, manufacturing, storage, service, warehousing, or other related purposes. It also includes apartment buildings of more than two (2) units.

G) **Edge of Street.** Shall mean the edge of the normal traveled way. Consideration should be given to the legal width of the road.

H) **Structural Change.** Shall mean an alteration of a load carrying member or alteration of the exterior dimensions of the building footprint.

I) **Building.** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or material of any kind.

J) **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 November 6, 1973.

K) **Nonconforming Lot.** A single lot of record which on the effective date of this Code does not meet the area, frontage or width requirements.

L) **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.

M) **Principal Use.** A use other than one which is wholly incidental or accessory to another use on the same premises. *Examples: sheds, patios, lean-tos, gazebos*

N) **Street.** A vehicular public way maintained by or owned by the Town of Norway or the State of Maine or a private vehicular way shown on a recorded plan and/or approved by the Planning Board.

O) **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 or temporary location on or in the ground, exclusive of fencing or poles, wiring and other aerial equipment normally associated with service drops as well as guyng anchors. The term includes structures temporarily or permanently located such as docks, patios and satellite dishes.

**Sec. 3. Building Inspector.** This code shall be administered by a Building Inspector who shall be appointed in a manner consistent with the appointment of other Department Heads.

A) **Inspection.**

1. The Building Inspector shall endeavor to inspect all buildings being constructed, or manufactured housing, dwellings being altered, additions being added, replaced or relocated for the purpose of enforcing provisions of this Ordinance and all other local and state laws governing the construction, alteration, movement, repair, placement or replacement of buildings.

2. The Building Inspector shall endeavor to see that the construction of Commercial or Industrial buildings complies with the plan approved under Sec. 1, paragraph A, in so far as the public health, safety and welfare is concerned.

3. Right of entry. The building inspector in the performance of his duties, may, at any reasonable time, enter any building or manufactured housing for the purpose of making the inspection required by this code.

**Sec. 4. Permit.** Before the construction, alteration, relocation or replacement of any building, manufactured housing or part thereof, including foundations, shall be commenced, the owner or lessee, or architect, contractor or builder employed by such owner or lessee shall obtain a permit from the Building Inspector to cover such work; no permit shall be required for regular maintenance of dwellings, however for commercial or industrial establishments, Planning Board approval must be secured.

A) **Application.** The application for the permit shall be in writing and shall be made in such a form, as the Building Inspector shall prescribe. It shall contain a description
and may require professional drawings of the proposed new, altered, or relocated building or the replacement contemplated.

i. An HHE 200 subsurface wastewater and disposal design, plumbing and electrical permit shall accompany the building permit application. The application shall be filed with the code enforcement office (Town Office)

B) Permit Approval. The Building Inspector, after the proper examination of the application, or Planning Board authorization, shall either issue the requested permit or transmit notice of refusal within a reasonable time, not to exceed ten (10) days. Notice of refusal shall be in writing and shall state the reasons therefor.

C) Life of a Permit. All building permits shall expire after one calendar year unless a different term is stated on the permit.

D) Provisions For Renewing. Renewal applications will be considered upon the expiration of the permit on a no fee basis for a period of two years as long as consistent and continual work is done on the structure.

E) Display of Permit. Every building permit shall be displayed in a conspicuous place on the street side of the premises and shall not be moved until all work covered by the permit has been approved.

Sec. 5. Fees. [Selectmen will set these fees and review them annually.]

- Accessory structure fees (non-livable spaces) – $0.10/sq ft for decks, sheds, single story garages and barns, porches, stairways and constructed walking paths to water ways, attics and crawlspaces over 200 sq ft.
- Residential living space fees- Flat fee $30.00 plus $0.15/sq ft. (Crawlspaces/non-daylight basements and attics are not considered livable space)
  a) Non-livable spaces (attics, unfinished basements, porches and decks associated with new homes) $0.10/sq ft
- Renovations fees – Flat fee $40 then $1/$1,000 after that. (Inspections are required so new work meets the new MUBEC building and energy codes.)
- Commercial fees- Flat fee $50 fee with $0.20/sq ft. They also have Planning Board fees plus any mailings. This is for new construction, additions and alterations.

Sec. 6. Certificate of Occupancy. No building or manufactured housing shall be occupied after its construction, or relocation until the Building Inspector has issued a Certificate of Occupancy. The Building Inspector, after notification by the owner, shall within three (3) days; issue said certificate after proper examination shows that all work was performed in compliance with the provisions of this Code. A Certificate of Occupancy shall not be issued for any manufactured housing, which does not conform, to ANSI No. A119-2 or MHMA Code.

A) Rentals. Rentals conform to the Town of Norway’s Rental Occupancy Ordinance.

Sec. 7 Size of Lot. No building shall be constructed upon, or manufactured housing moved to a lot within an area of less than 20,000 square feet, and with a frontage facing any street of less than 100 feet of frontage. Building construction or placement of manufactured housing shall be permitted on a lot with a minimum of 10,000 square feet with a minimum of 100 feet of street frontage, provided that public water and public sewage are available. If an existing dwelling or structure is demolished, burned or is destroyed by natural causes, it may be rebuilt or repaired on the same lot in accordance with this Code, although the lot is less than 20,000 sq ft and may have less than 100’ frontage provided that a permit for construction or placement of manufactured housing be obtained within 1 year from date of qualifying event.

For those lots located in the Shoreland Zone as defined in the Shoreland Zoning Ordinance Town of Norway per the Maine minimum lot area. Minimum shore frontage and minimum setback from the normal high water line or upland edge of a wetland shall comply with Section 15 of the Shoreland Zoning Ordinance Town of Norway, Maine.

A) Set-Back. No building, principal structure or manufactured housing shall be placed on a lot unless it is set back from the edge of the normal traveled way at least 25 feet,
or unless there is a common line established by existing dwellings. On a great Pond, 
the set back shall be at least 100’ from the normal high water mark.

B) Side Yard Width. No building, principal structure or manufactured housing shall be 
placed on a lot unless it is 20 feet from an adjoining lot line, but a single story 
accessory structure, not used for living area, may be placed 10 feet from the lot line.

C) Off Street Parking. All driveway entrances shall be approved by the Road 
Commissioner. A minimum of two (2) off street parking spaces to each newly 
constructed residential dwelling unit, and/or one and one half (1 1/2) off street parking 
spaces for each dwelling unit in existing buildings shall be provided.

D) Driveway Entrance. For new driveway locations the culvert length will be specified 
by the highway foreman after the building permit is applied for. Culvert will be bought 
and delivered to the property by the property owner or contractor and installed by the 
Town with appropriate notice. All new driveways will be at a minimum 15’ away from 
all cemeteries and burial grounds and meet the sight line distances provided by Maine 
Dept.of Transportation.

E) Nonconforming Lots.

1. Vacant Nonconforming Lots. A vacant and unimproved legally 
nonconforming lot may be built upon provided the lot is in separate ownership and 
not contiguous with any other lot in the same ownership and all provisions of this 
Code can be met except street frontage and lot size. Variance of setbacks or other 
requirements not involving lot area or width may be obtained only by action of the 
Board of Appeals.

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

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

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

This provision shall not apply to two or more contiguous lots, at least one of 
which is nonconforming, owned by the same person or persons on the 
effective date of this Code and recorded in the registry of deeds if the lot is 
served by a public sewer or can accommodate a subsurface waste water 
disposal system in conformance with the State of Maine Subsurface 
wastewater Disposal Rules.

5. Contiguous lots with existing structures. If two or more contiguous lots or 
parcels are in single or joint ownership of record at the time of adoption of this Code, 
if all or part of the lots do not meet the dimensional requirements of this Code, if all or 
part of the lots do not meet the dimensional requirements of this code, and if a 
principal use or structure exists on the lot the non-conforming lots may be conveyed 
separately or together, provided that the State Minimum Lot Size Law and the 
Subsurface Wastewater Disposal rules are complied with.
If two or more principal uses or structures exist on a single lot of record on the effective date of this Code, 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 Code.

6. **Transfer of Ownership.** Ownership of legally nonconforming lots together with the rights of use created by this section may be transferred to subsequent owners.

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

8. **Minimum Floor Area.** No requirements as long as sanitary conditions, minimum room areas of IRC 2009, Sect 304 and 305 and meet the 2009 Uniform Plumbing Code or latest adopted plumbing code per State law.

Sec. 8. **Foundations.** Will follow ICC International Residential Building code as adopted by the State of Maine,

A) Manufactured housing shall meet the standards of the State’s Manufactured Housing Act and regulations. Tarred paper shall not be used for skirting.

Sec. 9. **Chimneys.** Will follow National Fire Protection Association No. 211, Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances, and being the version most recently adopted by the State Fire Marshal’s Office.

Sec. 10 **Fireplaces.** Will follow National Fire Protection Association No. 211, Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances, and being the version most recently adopted by the State Fire Marshal’s Office.

Sec. 11 **Heating Stoves.** All heating stoves, whether fired by wood, oil, coal, or gas, shall be installed in accordance with manufacturer’s recommendations. Oil/kerosene and gas fired stoves shall have appropriate safety devices.

Sec. 12 **Electrical Installation.** Permits are required by the Town Electrical Inspector. Every dwelling with electrical service shall have a safe and adequate system throughout. All new construction must meet the Towns new Electrical Cut-off Switch ordinance as adopted June 18, 2012.

A) **Standards.** All installations shall comply and conform to the most recent edition of the National Electric Code as adopted by the State of Maine. 

B) **Installation.** A licensed electrician (or the homeowner on his or her primary single-family residence) shall do all electrical entrance work and no electrical wiring shall be covered or concealed until it has been inspected and approved by the authority having jurisdiction.

Sec. 13 **Property maintenance.** Property maintenance will be in compliance with the current mandated and adopted State versions of the Building Codes, current adopted versions of NFPA rules at the State Fire Marshals Office and MRS Title 14, Chap 710, Rental Property laws currently in effect and the 2012 ICC Property Maintenance Code Chap 1, Chap 2, Chap 3 - Sect 301, 302.1, 304.1 304.3,
Sec 14  Recreational Vehicles
Occupation prohibited; exception.

A. It shall be unlawful to occupy any camper-trailer or motor home for living purposes anywhere within the Town except in a recreational trailer park which is duly licensed under applicable law and maintained in accordance with applicable law; or when parked at an existing developed lot for the interests and enjoyment of the property owner for 30 days.

B. Notwithstanding Subsection A, when a building permit has been issued for the construction or alteration of a building, the Building Inspector may issue a temporary permit, valid for six months, for the placement and occupation of one camper-trailer, camper or motor home in connection with the construction or alteration of such building, if he/she finds that the standards in Subsection C will be met. He/she may extend the permit for an additional six-month period if he/she finds that construction or alteration has been diligently pursued and that justifiable circumstances require the extension.

C. Standards for permits under Subsection B are as follows:
   (1) The applicant has submitted a plan showing the specific proposed location and has paid a fee established by the Town after an application has been submitted to the code enforcement officer.

   (2) The proposed location of the camper is on the same lot as the building being constructed or altered.

   (3) The proposed location of the camper will not violate any lot yard provision of the covenants of any deed for the property.

   (4) Adequate provision and submitted plan is made for disposal of all waste; including trash and sewage.

D. Notwithstanding Subsection A, a recreational vehicle may be occupied outside of an approved RV park for up to 60 hours if it meets the following standards and obtains a permit from the Code Enforcement Office based on standards (1) through (5) below. A permit may be denied or revoked if any of the standards have not been complied with.

   (1) The recreational vehicle has self-contained sewage disposal, potable water and electrical service. The recreational vehicle must be currently registered for over-the-road travel by any state government of the United States or provincial government of Canada.

   (2) The recreational vehicle is accessory to and is located on the same property as a duly-permitted "enclosed sports facility" or agricultural fairground.

   (3) The occupation of the recreational vehicle occurs only during the exhibition, or the day before or after it.

   (4) No more than 20 such vehicles shall be permitted on any one lot at a time.

   (5) External electrical generators used in association with the recreational vehicles permitted under this section are prohibited.

Sec. 15  Enforcement

A) Whenever the Building Inspector is satisfied that a building or structure, or any work in connection of which is regulated, permitted or forbidden by this Ordinance, or in
violation of a statement of a plan submitted and approved thereunder, or of a permit
issued thereunder, he shall serve a written notice or order upon the person
responsible for the condition that is in violation of the provisions or requirements of
this Ordinance.

B) If work is completed without a permit or a permit issued after the fact, a fine of five-
times permit fee will be assessed.

C) The Building Inspector is charged with the prosecution of all violations of the
provisions of this Ordinance. In case such notices or orders referred to in Paragraph
A, above, are not promptly complied with, he/she shall take such action as is proper
to restrain, correct, remove, or punish such violations. Special liens, attorneys fees
and costs and filing costs at court can all be assessed to the owner of the property.

D) Property Maintenance fines will be assessed at the same rate as Nuisance
complaints under State Law. Fines of $100 to $2,500 per day, per nuisance could be
assessed for ongoing violations.

Sec. 16 Conflicting Provision. Whenever the regulations made under the authority thereof differ
from those described by any statute, ordinance, or other regulations, that provision, which imposes the
greater restriction or the higher standard, shall govern.

Sec. 17 Validity. If any section, clause, provision, portion or phrase of this Ordinance shall be held to
be valid or unconstitutional by any court of competent authority, such holding shall not affect, or validate
any other section, clause, provision, portion or phrase of the Ordinance.

Sec. 18 Right of Appeal. If the Planning Board or Code Enforcement Officer disapproves any
application or grants approval with conditions that are objectionable to the applicant or any abutting
land owner or any aggrieved party, or when it is claimed that the provisions 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 or Code Enforcement Officer in writing to the Board of
Appeals, established by vote of the Town July 30, 1975, within thirty (30) days of the Planning Board or
Code Enforcement Officer’s decision. The Board of Appeals may reverse the Planning Board or Code
Enforcement Officer’s decision after holding public hearing and may grant a variance as defined herein.
Public hearings shall be held according to Title 30, M.S.R.A., Section 2411.

A) Notwithstanding Sec 17 above, the Code enforcement officer/Planning Board may
grant a waiver to an owner of a building for the purpose of making that building
accessible to a person with a disability who resides in or regularly uses the building.
The Code enforcement officer/Planning Board shall restrict any waiver granted under
this subsection solely to the installation of the equipment or the construction of
structures necessary for access to or egress from the residential building by the
person with the disability. The Code enforcement officer/Planning Board may impose
conditions on the waiver, including limiting the waiver to the duration of the disability
or to the time that the person with the disability lives in the residential building. The
term “structures necessary for access to or egress from the building shall include
ramps and associated railings, wall or roof systems necessary for the safety or
effectiveness of the ramps.

B) Appeal shall be submitted to the Code enforcement officer; thence to the Zoning
Board of Appeals; thence to the Superior Court (Title 30, Section 2151, as amended).

Sec. 19 Effective Date. This Ordinance shall become effective upon its passage.
“ADDENDUM A”

Off-street parking is ideally defined as a 200 square foot area, 10’ x 20’.

A) The following minimum off-street parking requirements shall be provided and maintained in case of new construction, alterations and changes of use:

1. **Dwellings**: Two (2) parking spaces for each dwelling unit.
2. **Motels, tourist homes, hotels**: One (1) parking space for each sleeping room and 200 square feet for each 200 square feet of office space.
3. **Schools**: Five (5) parking spaces for each room used for purposes of instruction.
4. **Health Institutions (bed facilities only)**: One (1) parking space for every 3 beds and 1 for each employee based on the expected average employee occupancy.
5. **Theaters, auditoriums and churches**: One (1) parking space for every 4 seats or for every 100 square feet or major fraction thereof of assemblage space if no fixed seats.
6. **Retail Stores**: One (1) parking space for every 200 square feet of gross floor area.
7. **Restaurants, eating and drinking establishments**: One (1) parking space for every 3 seats.
8. **Offices, professional and public buildings**: One (1) parking space for every 200 square feet of gross leasable area, exclusive of cellar and bulk storage areas.

Enacted November 6, 1973
Amended March 4, 1974
Amended August 18, 1987
Amended May 15, 1997
Amended July 1, 1999
Amended September 18, 2003
Amended June 18, 2012
Amended June 17, 2013
Amended June 16, 2014

*Amended June 15, 2015*
COIN OPERATED AMUSEMENT DEVICE ORDINANCE

TITLE

This Ordinance shall be known as “The Coin-Operated Amusement Device Ordinance” for the Town of Norway.

PURPOSE

The purpose of this Ordinance pursuant to 8 M.R.S.A. : 441 ET ESQ., is to establish the regulation and operation of any coin-operated amusement device in or on any premises or location within the town.

DEFINITIONS

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

(1) “Coin operated amusement device” means all of those machines whether mechanical or electronic, which upon insertion of a coin, slug, or token plate or disc or compensation in lieu of the above may be operated by the public generally at a public premises for use as a game, entertainment, or amusement.

(2) “Good moral character” Proof of good moral character shall include general testimony of the applicant’s reputation in the community and the results of a records check to be conducted by the Chief of Police and included in his or her report.

LICENSE REQUIRED

It shall be unlawful for any person to keep for public patronage or to permit or allow the operation of any coin-operated amusement device in or on any public premises or location under his or hers or its charge, control or custody without first having obtained a license thereof from the Town Clerk. The license shall be issued by the clerk upon the payment of an annual fee of $100.00 for each machine after the first two; (the first two shall be exempt from a fee) on the premises.

PUBLIC HEARING

The Town Clerk shall not issue such license as stipulated in this section until authorized by the selectmen following a public hearing on the establishment of the coin-operated amusement device location. Such hearing shall be held within thirty (30) days of the original application and during the month of June for renewals.

Enacted June 26, 1993
TOWN OF NORWAY

CURFEW ORDINANCE

Section 1- For the purpose of regulating the presence and conduct of minors on streets and public places.

Section 2- Definitions as used in this ordinance:

A. **Town** is the Town of Norway
B. **Minor** is any person under the age of 17 years.
C. **Parent** is the natural or adoptive parent of a minor.
D. **Guardian** is any person other than a parent, who has legal guardianship of a minor.
E. **Public Place** shall mean any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. A public place shall include, but not be limited to any store, restaurant, tavern, theatre, drug store, pool room, laundry, shopping center, and any other places devoted to amusement or entertainment of the immediate area of the above.

Section 3- It shall be unlawful for any minor to remain idle, wander, stroll, or play in any public place either on foot or to cruise about in a motor vehicle in Norway between the hours of 10 p.m. and 5 a.m. unless accompanied by a parent or guardian or other adult person having custody or control of such minor unless the minor is on an emergency errand, or where the presence of such minor is connected with or required by some legitimate employment, trade, profession, or occupation.

Section 4- Any minor attending a special function or entertainment of any church, school, club, or organization that required such minor to be out at a later hour than that called for in section 3 shall be exempt form the provisions of section 3, provided the church, school, club, or organization shall register in advance with the Norway Police Department, stating the time the function shall end, and the minors who attend the function shall be required to be vacant from all public places within one half hour after the function is ended.

Section 5- It shall be unlawful for the parent or guardian or other adult person having custody or control of any minor under the age of 17 to suffer or permit or by inefficient control to allow such person to be on the streets or sidewalks or on or in any such public property or public place within the Town between the hours of 10 p.m. and 5 a.m. However, the provisions of this section do not apply to a minor accompanied by his parent, or guardian or other person having the care, custody or control of the minor, or if such minor is on an emergency errand, or where the presence of such minor is connected with or required by some legitimate employment, trade, profession, or occupation.

Section 6- Any person violating the provisions of this ordinance shall be punished by a fine of not less than $15.00 and not more than $100.00 for each and every offense.
This ordinance establishes two processes for the demolition of a building or structure classified as historic. The first allows for immediate demolition with the issuance of a certificate of appropriateness, while the second allows for delayed demolition if a certificate of appropriateness is not issued.

(1) Immediate demolition.
(a) If the owner of a building or structure classified as historic seeks to demolish the building or structure in whole or in part, the Review Board (appointed by the select-board) may approve the issuance of a certificate of appropriateness for the demolition if the property owner gives evidence to the Review Board that the structure is unsafe and poses an immediate threat to the public as defined by Maine Title 17, 2851-2859 (Dangerous Buildings).
(b) If a certificate of appropriateness is approved, the applicant may immediately apply to the Code Enforcement Officer for a demolition permit. If the Board fails to approve the issuance of a certificate of appropriateness permitting the demolition, the applicant may proceed under the delayed demolition procedures.

(2) Delayed demolition.
(a) If the Board fails to issue a certificate of appropriateness, the owner of a building or structure classified as historic may apply for a permit to demolish the building in accordance with the following procedures. The building may be demolished provided that before a demolition permit is issued, four months' notice of the proposed demolition shall be given.
(b) The objective of this provision is to further the purposes of this article by preserving historic buildings which are important to the education, culture, traditions, and the economic values of the Town and to afford the Town, interested persons, historic societies or organizations the opportunity to acquire or to arrange for the preservation of such buildings.
(c) The Board may at any time during such stay approve a certificate of appropriateness in accordance with Maine Title 17, 2851-2859 (Dangerous Buildings) in which event a demolition permit shall be issued without further delay.
(d) Public notice of the pending demolition shall be provided as follows:
[1] Notice of the proposed demolition shall be posted on the premises of the building or structure proposed for demolition in a location clearly visible from the street, shall be mailed to the Maine State Historic Preservation Office, and shall be delivered to the Norway Historical Society.
[2] Notice shall be published in a newspaper of general local circulation at least three times prior to demolition, the final notice of which shall be not less than 15 days prior to the date of the permit, and the first notice of which shall be published no more than 15 days after the application for a permit to demolish is filed.

enacted June 16, 2014
“DISORDERLY HOUSE” ORDINANCE

1. **Definition.**

*Disorderly House* shall mean any dwelling to which the police have responded a certain number of times, as prescribed in Section 4 of this ordinance, involving the conduct of the owner, tenant(s) or the owner’s or tenant(s) co-habitees, guests or invitees that the Town of Norway Select board has found to unreasonably disturb the community, the neighborhood or an individual, such conduct includes, but is not limited to: loud music, boisterous parties, fights involving the owner or tenants of the dwelling or their invitees, the arrest of the owner, tenants or their invitees for activities in the dwelling that constitute a crime or civil infraction under either state or local law, and other similar activities.

*Dwelling* shall mean any single or multi-family residence or part thereof, including garages, outbuildings, exterior grounds and separate apartments.

2. **Incident Reports and Notice of Disorderly House**

A. If a dwelling is visited by the police in relation to conduct described in the definition of Disorderly House in Section 1, the police department shall send an incident report, within three business days, to the owner as prescribed in Section 4 of this ordinance. If a dwelling is visited by the police department multiple times in any 30-day period, as prescribed in Section 4 of this ordinance, in relation to conduct described in the definition of Disorderly House in section 1, the owner of the dwelling shall be given notice that a hearing will be held by the Town of Norway Select board to determine whether the dwelling is a Disorderly House, in accordance with the table in Section 4 of this ordinance.

B. The hearing notice shall require the owner or the owner’s designated agent to appear at the hearing in order to present the owner’s position on the incidents. If, after hearing the owner’s position, the Select board determines the dwelling is a Disorderly House, the Select board may either enter into a consent agreement with the owner to control the conduct occurring in the Disorderly House, if the owner shows that a reasonable effort is being made to abate the prohibited conduct and/or remove the tenant(s) involved in the prohibited conduct or refer the Disorderly House to the Town Attorney for legal action.

3. **Violations**

The following are violations of this ordinance:

A. Failure to attend the scheduled hearing with the Town of Norway Select board;

B. Violation of a consent agreement entered into under Section 2(B);
C. Conduct as described in the definition of Disorderly House if a referral has been made to the Town Attorney under Section 2(B).

A violation of this ordinance shall result in a civil penalty of not less than $100 nor more than $2,500, plus attorney’s fees and costs. The Town may also seek injunctive relief.

4. Incident Table

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<thead>
<tr>
<th>Units per Dwelling:</th>
<th>Number of Visits by Police in any 30 day Period to Designate Disorderly House</th>
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TOWN OF NORWAY

DOG ORDINANCE

SEC. 1 - DEFINITIONS AS USED IN THE ORDINANCE.
A "DOG" - SHALL MEAN BOTH MALE AND FEMALE
B "OWNER" - SHALL MEAN ANY PERSON OR PERSONS OWNING OR KEEPING,
HARBORING, OR IN THE POSSESSION OF, OR HAVING CONTROL OF A
DOG.

SEC. 2 - "AT LARGE" - IT SHALL BE UNLAWFUL FOR OWNER OR KEEPER OF A
DOG TO PERMIT SUCH DOG TO BE AT LARGE.

SEC. 3 - "NOISOME" - IT SHALL BE UNLAWFUL FOR OWNER OF A DOG TO PERMIT
SUCH DOG TO DISTURB THE PEACE OF ANY PERSON BY BITING,
CHASING, OR CONTINUED BARKING OR HOWLING OR IN ANY OTHER
MANNER OR TO DESTROY THE PROPERTY OF ANY PERSON, OR TIPPING
OVER WASTE RECEPTACLE.

SEC. 4 - "DOG IN HEAT" - IT SHALL BE UNLAWFUL FOR THE OWNER OF A
FEMALE DOG TO CAUSE OR PERMIT SUCH DOG TO BE BEYOND THE
OWNERS PREMISES AT ANY TIME SHE IS IN HEAT UNLESS SUCH DOG IS
RESTRAINED BY A LEASH, CORD OR CHAIN. IF SUCH DOG IS WITH
THE OWNER OFF THE PREMISES SAID DOG MUST BE CONTROLLED BY A
LEASH NOT OVER EIGHT FEET LONG.

SEC. 5 - "VALIDITY" - IT IS THE INTENTION OF THE MUNICIPALITY THAT
EACH SEPARATE SECTION OF THIS ORDINANCE SHALL BE DEEMED
INDEPENDENT OF ALL OTHER SECTIONS HEREIN AND IT IS FURTHER
INTENTIONS OF THE MUNICIPALITY THAT IS ANY PROVISION
OF THIS ORDINANCE BE DECLARED INVALID, ALL OTHER SECTIONS
THEREOF SHALL REMAIN VALID AND ENFORCEABLE.

SEC. 6 - "WARNING" - UPON WRITTEN COMPLAINT BY THE PERSON DISTURBED,
SIGNED AND SWORN TO, ANY CONSTABLE OF THE TOWN OF NORWAY
OR DUTY QUALIFIED LAW ENFORCEMENT OFFICIAL MAY INVESTIGATE
AND MAY GIVE WRITTEN NOTICE TO THE OWNER OR KEEPER OF SUCH
DOG THAT SUCH ANNOYANCE OR DISTURBANCE MUST CEASE. THE
WARNING SHALL BE MADE PART OF THE COMPLAINT.

SEC. 7 - "PENALTY" - THEREAFTER, UPON CONTINUANCE OF SUCH ANNOYANCE OR
DISTURBANCE, SUCH OWNER SHALL BE GUILTY OF A CIVIL VIOLATION
AND UPON CONVICTION THEREOF SHALL BE PUNISHED BY A FINE OF
$50.00 FOR THE FIRST OFFENSE. EACH ADDITIONAL CONVICTION
AFTER THE FIRST CONVICTION SHALL BE PUNISHED BY A FINE OF AT
LEAST $100.00. ALL FINES SO ASSESSED SHALL BE RECOVERED FOR
THE USE OF THE TOWN OF NORWAY THROUGH DISTRICT COURT.

ENACTED: ANNUAL TOWN MEETING MARCH 6, 1972
A True Copy Attest:

Shirley H. Boyce, Town Clerk
§3252. DRAINAGE OR OBSTRUCTION OF PUBLIC WAYS

1. Change in drainage; obstruction. A person, personally or through the person’s agents or servants, may not do any of the following acts in a manner that changes the drainage of a public way or obstructs a public way:

A. Cultivate, in connection with the improvement of lands adjacent to a public way, any portion of the wrought portion of a public way; [2003, c. 452, Pt. L, §7 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. Turn teams, tractors, farm machinery or other equipment upon the wrought portion of a public way; or [2003, c. 452, Pt. L, §7 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

C. Deposit within or along any ditch or drain in a public way any material that will obstruct the flow of water in the ditch or drain or otherwise obstruct the way. With the written consent and in accordance with specifications of the legal authorities having supervision of the ditch or drain, a person may, to provide egress and regress to and from lands occupied by that person, lawfully construct and maintain a bridge across the ditch or drain. [2003, c. 452, Pt. L, §7 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

[ 2003, c. 452, Pt. L, §7 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

2. Penalties. The following penalties apply to violations of this section.

A. A person who intentionally or knowingly violates subsection 1 commits a civil violation for which a fine of not more than $50 plus costs may be adjudged. [2003, c. 452, Pt. L, §7 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

B. A person who intentionally or knowingly violates subsection 1 after having previously violated this section commits a civil violation for which a fine of not more than $100 plus costs may be adjudged. [2003, c. 452, Pt. L, §7 (NEW); 2003, c. 452, Pt. X, §2 (AFF).]

All fines recovered under this section, except in cases where the way involved was maintained by the State, must be paid to the treasurer of the municipality, or, for an unorganized place, to the treasurer of the county, where such offense is committed and must be expended in the construction and maintenance of public ways or drains therein. [ 2003, c. 452, Pt. L, §7 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]
STANDARDS:
1. All wiring installation in any structure regulation by the Ordinance under this ordinance must conform to the provisions of the latest edition of the National Electrical Code published by the National Fire Protection Association. (The adopted State of Maine Standard) shall be the regulation to follow.
Purpose: to follow minimum safety standards

2. All newly constructed and/or created dwelling units must have an exterior main electrical shutoff disconnect located on the exterior of the structure in which the dwelling unit is located in a visible convenient location. All service upgrades will also be required to have an electrical shutoff disconnect located on the exterior of the structure.
Purpose: to enhance safety for first responders in a fire related event

3. Any dwelling that has an alternate power source (i.e. an automatic start generator) that activates once the power supply is interrupted or cut off shall have a warning sticker located on the meter socket disconnect on the exterior of the dwelling.
(Warning stickers shall be provided by the Town of Norway).
Purpose: to warn Fire Personnel there is an alternate power source
Town of Norway

Sale and Use of Consumer Fireworks

A. **Definitions** – The following definitions shall apply in this section:

1. Consumer fireworks shall have 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 “Consumer fireworks” does not include the following products:

a. Missile-type rockets, as defined by the State Fire Marshal by rule; and

b. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and

c. Sky rockets and bottle rockets. For purposes of this paragraph, “sky rockets and bottle rockets” means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.

d. The term “fireworks” does not include toy pistols, toy canes, toy guns or other devices in which paper caps or plastic caps containing 25/100 grains or less of explosive compound are used if they are constructed so that the hand cannot come in contact with the cap when in place for the explosion; toy pistol paper caps or plastic caps that contain less than 20/100 grains of explosive mixture; sparklers that do not contain magnesium chlorates or perchlorates or signal; antique or replica cannons if no projectile is fired.

e. Display means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks or special effects.

B. **Prohibition.** No person shall use, possess with the intent to use, sell, possess with the intent to sell or offer for sale consumer fireworks in the Town of Norway.*

C. **Exception.** This section does not apply to a person issued a fireworks display permit by the Town of Norway and/or the State of Maine pursuant to 8 M.R.S.A. ss 227-A.
D. **Penalties.**

1. Any person who uses consumer fireworks or possesses consumer fireworks with the intent to use in the Town of Norway shall be punished by a fine of not less than two hundred ($200.00) and not more than four hundred dollars ($400.00) plus costs. For second and subsequent offenses, a fine of not less than three hundred dollars ($300.00) and not more than six hundred dollars ($600.00) per violation plus costs shall be imposed.

2. Any person who sells consumer fireworks or possesses consumer fireworks with the intent to sell in the Town of Norway shall be punished by a fine of not less than five hundred dollars ($500.00) plus costs. For second and subsequent offenses, a fine of not less than one thousand dollars ($1000.00) per violation plus costs shall be imposed.

3. Seizure and disposal of fireworks. The Town may seize consumer fireworks that the Town has probably cause to believe are used, possessed or sold in violation of this section and shall forfeit seized consumer fireworks to the State for disposal.

*State law prohibits the sale and possession of all fireworks, with the exception of consumer fireworks, see 8 M.R.S.A. ss 223. By prohibiting the sale and use of consumer fireworks, the Town is effectively prohibiting the use of all fireworks in the Town of Norway.*
TOWN OF NORWAY

FLOODPLAIN MANAGEMENT ORDINANCE

Enacted July 7, 2009
FLOODPLAIN MANAGEMENT ORDINANCE

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60.3 (c&d) Rev. 1/07
Article I – PURPOSE AND ESTABLISHMENT

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

The areas of special flood hazard, Zones A and AE, are identified by the Federal Emergency Management Agency in a report entitled “Flood Insurance Study – Oxford County”, dated July 7, 2009 with accompanying “Flood Insurance Rate Map” Panels: 1039, 1045, 1065, 1068, 1202, 1206, 1207, 1208, 1209, 1217, 1229, 1230, 1231, 1232, 1233, 1234, 1236, 1237, 1238, 1241; derived from the county wide digital flood insurance rate map entitled “Digital Flood Insurance Rate Map, Oxford County”, which are hereby adopted by reference and declared to be a part of this Ordinance.

Article II – PERMIT REQUIRED

Before any construction or other development (as defined in Article 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 Norway, Maine.

Article III – APPLICATION FOR PERMIT

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

A. The name, address and phone number of the applicant, owner and contractor;

B. An address and a map indicating the location of the construction site;

C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;

D. A statement of the intended use of the structure and/or development;

E. A statement of the cost of the development, including all materials and labor;

F. A statement as to the type of sewage system proposed;

G. Specification of dimensions of the proposed structure(s) 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), 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”, 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 Articles VI.K and VIIL.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 flood-proofed;

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 Flood-proofing Certificate (FEMA Form 81-65, 01/03, as amended), to verify that the flood-proofing methods for any non-residential structures will meet the flood-proofing 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 watercourse will be altered or relocated as a result of the proposed development; and

M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

Article IV – APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of $25.00 shall be paid to the Code Enforcement Officer, and a copy of a receipt for same shall accompany the application.

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

**Article V – REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS**

The Code Enforcement Officer shall:

A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;

B. Utilize, in the review of all Flood Hazard Development Permit applications:

1. the base flood and floodway data contained in the “Flood Insurance Study – Oxford County”, as described in Article I;

2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state or other technical sources, including information obtained pursuant to Article III. H. 1. b;

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 watercourse, 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 requirement 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 Flood-proofing of Non-Residential Structures that are new construction of substantially improved non-residential structures that are not being elevated but that meet the flood-proofing standards of Article VI. G.1. a., b., and c.

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, Flood-proofing 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 Developments 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 system and discharges from the system into flood waters.

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 their carrying capacity.

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. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
   a. be flood-proofed 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;
   c. be certified by a registered professional engineer or architect that the flood-proofing 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 flood-proofed

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.

a. together with attendant utility and sanitary facilities that meet the flood-proofing standards of Article VI. G. 1.

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

1. Zone AE shall:

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

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

   c. be securely anchored to any 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 located within:

   1. Zones A and AE, shall either:
a. be on the site for fewer than 180 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 - as defined in Article XIII, located within Zones A1 – 30, 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 of 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 electrical service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. Floodways-

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

2. In Zones A and AE riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted 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 Analysis”, 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 watercourse 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 crawlspaces 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 effect 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 Flood Hazard Development Permit, as required by Article III. K.

O. Wharves, Pier and Docks – New construction or substantial improvement of wharves, piers or 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 2 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 or 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 and
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 Norway, 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 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 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 of victimization
of the the public or conflict with existing local laws or ordinances; and

3. a showing that the issuance of the variance with no 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 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 the 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 30 days after receipt of a written decision of the Code Enforcement Officer;
2. Upon being notified of an appeal, the Code Enforcement Officer 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 within 35 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 35 days after the close of the hearing, and shall issue a written decision on all appeals;

6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Permit, which includes any conditions 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 45 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 the 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 use in the present tense include the future, the singular number includes the plural, and the plural 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 principle 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 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 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 body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a 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 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.

**Flood-proofing** – 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** – means 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 action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

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

**Historic Structure** – means any structure that is:

a. Listed individually in the National Historic 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 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) 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 the 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.

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

**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 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 were adopted by a community, and includes any subsequent improvements to such structures.

**100-year flood** – see “Base Flood”.

**Recreational Vehicle** – means a vehicle which is:
a. built on a single chassis;

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

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

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

**Regulatory Floodway -**

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

b. when not designated on the community's Flood Insurance Rate Map or Flood Boundary and Floodway Map, it is considered to be the channel of a river or other watercourse 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 Area** – see “Area of Special Flood Hazard”.

**Start of Construction** – means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include 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% 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% 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, however, does not include:

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).

60.3 (c&d) Rev. 1/07
Prepared by SPO/fpm/___

(Note: 2 other versions of this ordinance exist in hard copy- one enacted in 1992, and one in 1999. Both are obsolete, and abrogated by the most recent version above.)
Summary: These rules establish standards for water levels on Norway Lake. These standards establish maximum and minimum water levels, based on established reference points, for various seasons of the year, as guidance for water level management.

1. Purposes

These standards are intended to establish patterns of water level management on Norway Lake to maximize public recreational opportunities, to minimize potential for excessive flooding, to maintain adequate water supplies for public and private consumption, and to maintain stable environmental conditions for aquatic life.

These standards are intended to provide quantifiable guidelines, based on known reference points, for dam owners, dam operators, hydro electric generators, and lake-shore property owners.

2. Definitions

AUTUMN: The period of time from September 1st through November 25 of each year, unless otherwise specified.

FULL POND: The water level on Norway Lake at which the water normally spills over the crest of the outlet dam without causing any shore-land flooding.

NGVD: The National Geodetic Vertical Datum of 1929, which serves as the basis for establishment of elevations in feet of height above mean sea level.

SPRING: The period of time from April 1 through June 1 of each year, unless otherwise specified in the standards.

SUMMER: The period of time from June 2 through August 31 of each year, unless otherwise specified in the standards.

TEN YEAR FLOOD: A flood having a recurrence interval of approximately once in every ten years, as determined by flood insurance studies performed pursuant to the National Flood Insurance Act of 1968, and the Flood Disaster Protection Act of 1973, or by other means.

WINTER: The period of time from November 25 through March 31 of each year, unless otherwise specified in the standards.

3. General Patterns of Water Level Fluctuations

These water level standards are based upon the following general pattern of seasonal water level fluctuations and current water level management practices across the state of Maine, the guidelines below are specific to Norway Lake established by a joint meeting with the Lake Association, Town of

**Summer – Autumn (June 1 – November 25)** Start with a full pond of 98.5; close all gates and seal all boards to prevent leakage, and to maintain adequate water supply throughout the summer. In the event of heavy rains open the necessary gates to prevent water levels from exceeding the maximum Summer set point of 98.5.

**Winter (November 25 – March 31)** Provide adequate storage capacity for late fall rain and to accept spring runoff from snow-melt and precipitation. The purpose is to have ample reserve to help limit shoreline flooding and maintain stable water levels throughout the season. Water may rise after March 31.

**Spring (April 1 – June 1)** Start with adequate storage for spring runoff; attempt to reduce flooding to only those areas encompassed by a ten year flood; Slowly fill pond up during the spring months to allow for a full pond as of June 1.

4. **Derivation of Water Level Standards**

**SUMMER MAXIMUM:** Water level is generally based upon the normal high water mark, spillway elevation of the dams, or other factors which may delineate a full pond elevation. 98.5 has been established by the Town and Lake Association as “full pond”.

**SUMMER MINIMUM:** Water level is generally below .3 tenths of a foot below the summer maximum, unless otherwise specifically defined, to allow for normal water loss through evaporation and dam leakage.

**AUTUMN MAXIMUM:** Water level is generally 4 inches below the summer maximum, unless otherwise specifically defined, to allow capacity for autumn rains.

**AUTUMN MINIMUM:** Water level is generally based on the same standards as Autumn Maximum for Norway Lake.

**WINTER MAXIMUM:** Water level is generally 4 inches below the summer maximum, unless otherwise specifically defined, to provide storage capacity for spring runoff.

**WINTER MINIMUM:** Water level is generally 1 foot below the winter maximum, unless otherwise specifically defined, to insure some protection of aquatic habitat and water supplies.

**SPRING MAXIMUM:** Water level is generally based on the ten year flood elevation, unless otherwise specifically defined, to provide an established goal for flood protection. Typical Maine lakes have a couple of feet draw-down to help prevent shoreline damage and Spring flooding due to typical Spring runoff and snow-melt. 97.5 has been established for Norway Lake by the Town of Norway and the Lake Association.

**SPRING MINIMUM:** Water levels shall be raised gradually throughout April up until June 1st, starting the summer season with a full pond.

**Summer – Autumn Max:** (June 1 through November 25) 98.5 Feet NGVD
Summer – Autumn Min: 97.11 NGVD (revised as of 11/29/2005, by Ridgewood Power)

Winter Max: (November 26 – March 1) 97.5 Feet NGVD

Winter Min: 97.5 Feet NGVD

Spring Max: (April 1 – June 2) 97.5 Feet NGVD

Spring Min: 97.5 Feet NGVD

Exceptions:

These standards shall not be construed as to require an owner or operator of a dam to manipulate water levels in a manner contrary to good judgment or reasonable practice. These standards shall not apply in cases of emergency, where compliance would threaten the structural integrity of a dam or endanger the public safety, health or welfare.

These guidelines are proposed by Ridgewood Renewable Power (now Kruger Energy) in cooperation with the Town of Norway and the Norway Lake Association. This is a draft and working document subject to the approval by the Town of Norway and the Lake Association. The purpose is to establish a lake level management plan that will benefit the waterfront property owners and give sufficient water in the summer seasons for recreational use.

Approved by Select Board, 02-16-2006, as amended.
NORWAY LOITERING ORDINANCE

It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone or and in consort with others in a public place at any time in such a manner so as to:

a) Obstruct any public street, public highway, public sidewalk, or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.

b) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property, or with any business lawfully conducted by anyone in or upon a facing or fronting on any such public street, public highway, public sidewalk, or any other public place or building, all of which prevent the free and uninterrupted ingress, egress, and regress therein, thereon, and thereto.

c) Any person who violates any of the provisions of this section shall be subject to a fine not to exceed one hundred dollars ($100.00). Any such violation shall constitute a separate offense on each successive day continued.

Enacted March 2, 1981

ATTEST: Carol Millett
Town Clerk
SECTION 1. TITLE AND AUTHORITY

This Ordinance, the Norway Medical Marijuana Ordinance, herein referred to as the Ordinance, is adopted pursuant to the town’s Home Rule Authority as found in 30-A MRSA ss 3001 and the Maine Medical Use of Marijuana Act as found in 22 MRSA Chapter 558-C.

SECTION 2. PURPOSE

A. The purpose of this Ordinance is to regulate the location and the manner of operation of Medical Marijuana Cultivation Facilities.

SECTION 3. SCOPE

A. No person or entity may locate and/or operate a Medical Marijuana Cultivation Facility without first obtaining all permits and approvals as required by this Ordinance.
B. This Ordinance does not apply to a caregiver who is growing out of his/her private residence.

SECTION 4. DEFINITIONS

Caregiver: A person who is designated by a Qualifying Patient and authorized to assist the Qualifying Patient with the cultivation and medical use of Marijuana.

Design Professional: An Engineer that is licensed by the State of Maine.

Knox Box: A small wall mounted safe that holds building keys for emergency services to retrieve in emergency situations.

Medical Marijuana Cultivation Facility: or “Cultivation Facility” means a facility used to cultivate, store, process, and package Medical Marijuana for a Qualifying Patient(s) at a location which is not the caregiver’s primary residence.
Qualifying Patient: or “Patient” means a person who has a valid written certification by a medical provider regarding the use of Medical Marijuana.

SECTION 5. APPLICATION PROCESS

A. The applicant must apply for a Site Plan Review and pay the application fee as per the Site Plan Review Ordinance for the Town of Norway, Maine.
B. The applicant must demonstrate compliance with the Standards in Section 6 of this Ordinance.
C. The following materials shall be submitted to the Planning Board for review:
   1. Site Plan Review Application.
   2. Proof of Two-year residency in the state of Maine for any Caregiver.
   3. A site location map of not greater than 1” equals 100’ showing indicating that residences, Day Care Centers, Schools, Houses of Worship, Public Parks, Recreational areas, and proposed location of cultivation facility.
   4. Security measures including exterior lighting and locks to ensure safety and to prevent unauthorized entry into the facility.
D. The Planning Board will confirm that the standards in Section 6 are met before the Site Plan Application can be accepted as complete.
E. The Planning Board, after notice and public hearing, shall determine if the performance standards of the Site Plan Review and the Ordinance have been met.

SECTION 6. STANDARDS

The Cultivation Facility must meet the following standards:

A. The Applicant must follow all State Statutes and Rules.
B. The proposed facility is prohibited from operating in the Historic District, Downtown District, Rural Villages and Gateway Area as defined in the town’s state approved Comprehensive Plan.
C. The property line of the proposed facility must be a minimum of 1000' away from the property line of the following:
   1. A Residence.
   2. A pre-existing Day Care Center.
3. A public or private elementary or secondary school.
4. A Church, Synagogue, or other house of religious worship.
5. A public park or public recreational area.

D. The applicant must be a resident of the state of Maine for the past two years.

E. The applicant must show proof that he/she is a registered Caregiver or proof of a registered Caregiver on site.

F. The Facility must not exceed 5000 square feet of total floor space.

G. Each Caregiver's complete operation cannot exceed 3000 square feet of total floor space.

H. Security measures sufficient to discourage theft and unauthorized entrance. This includes adequate exterior lighting and locks to ensure adequate safety and to prevent unauthorized entry into the facility.

I. An odor control plan and ventilation plan must be provided by a Design Professional.

J. Knox Box(es) must be installed in accordance to Fire Chiefs direction.

SECTION 7. INSPECTIONS

A. If Building Permits are approved by the Planning Board, the Code Enforcement Officer shall inspect in accordance to the Norway Building Code Ordinance and the state adopted version of the International Building Code.

B. If a public complaint is made, the Police Department, Fire Chief, and/or Code Enforcement Officer shall inspect the property for safety and/or security reasons.

C. The Code Enforcement Officer and the Fire Chief must inspect the facility annually for public safety after reasonable notice to the facility operator.

SECTION 8. ENFORCEMENT AND PENALTIES

A. It is a violation of the Ordinance to operate a Cultivation Facility without Municipal approval.
B. It is a violation of the Ordinance if any of the standards in Section 6 are not followed.

C. This Ordinance shall be enforced by the Code Enforcement Officer, in conjunction with the Town Select board. In any court action, the town may seek injunctive relief in addition to penalties. If court action is required to enforce this Ordinance, the town may be awarded its enforcement costs, including all reasonable attorney's fees.

D. Violations of this Ordinance shall be subject to fines of $100.00 to $2500.00 per violation. Each day of the violation constitutes a separate violation. Any such fine may be in addition to any suspension or revocation imposed in accordance with the provisions of this Ordinance.

SECTION 9. SEVERABILITY

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

SECTION 10.

This Ordinance will become effective when enacted by the voters of the Town of Norway at a town meeting.

Adopted at Special Town Meeting on September 6, 2018
MUNICIPAL BUILDING USE

I. GENERAL

The selectmen of Norway wish to encourage the use of the municipal complex facilities when they are not in use. In all cases scheduled functions shall have priority in the use of facilities.

II. APPLICATION FOR AND SCHEDULING OF MUNICIPAL COMPLEX FACILITIES

All groups desiring to use the municipal complex shall make application through the office of the town manager.

III. CATEGORIES OF GROUPS

Categories of groups permitted to use the facilities are as follows:

A. town sponsored groups;
B. school related groups such as parent-teacher associations, scouts and YMCA;
C. youth agencies, service organizations, cultural groups and state agencies;
D. other groups.

IV. FEES

Category A: no charge

Categories B & C: only fees for custodial services required as a result of the scheduled activity ($25.00 for the first two hours, $7.50 per hour for each subsequent hour.)

Category D: a flat use fee, plus a fee for additional services, as required

SPECIAL NOTATIONS:

Kitchen use will be by special permission of the Fire Chief or his/her designee.

Nothing can be affixed to the walls.

V. PAYMENT OF FEES

Use fees: All fees are payable to the Treasurer, and checks should be sent to the town office.

Damage fees: Custodians will assess any damages and report to the town manager following each event. Users will be liable for the replacement costs of any damaged items. Payment must be made within 30 days or within a time frame approved in writing by the town manager.
VI. AGREEMENTS OF BUILDING USE

1. Continued use of facilities will depend on prompt payment of rental charges and adherence to rules and regulations.

2. The kitchen shall be used only with permission.

3. The town manager is responsible for scheduling the use of the facilities.

4. One adult shall be selected by each group to be held responsible for supervision and proper care of the facilities. This person shall also be held responsible for a safe and orderly environment.

5. Any group using the facilities in which a crowd of people is expected shall provide and pay for sufficient proper constabulary protection, fire protection, and parking attendants.

6. Smoking is not permitted in the building. Failure to adhere to this regulation shall mean immediate loss of privileges.

7. Any damage to the building caused during the rental period will be paid for by the group renting the facility. Any such damage must be immediately reported to the custodian or other town representative on duty.

8. No alcoholic beverages are permitted on grounds. Failure to adhere to this regulation shall mean immediate loss of privileges.

9. Decorating, bringing in scenery or moving pianos or other furniture is prohibited unless special permission is granted.

10. Immediately after use, the contracted area shall be restored as found.

11. Nothing shall be sold, given, exhibited or displayed without permission.

12. Representatives of the town must have free access to all rooms at all times.

13. The right to revoke a permit at any time is reserved by town authorities.

14. No reservations will be made until the facilities use application is approved by the town manager.

15. A representative of the town shall be present while the facilities are being used and shall unlock and lock the rented facilities at the direction of the tenant and according to the times set forth in the contract. Ordinarily, the representative of the town will be custodian.

16. The hourly rates to be paid for required town personnel shall be current rates.

17. A copy of this policy and any additional provisions must be attached to the application and the use of facilities contract.

18. All agreements on the “Use of Facilities” shall be contract form issued and signed by the town manager.
VII. USE FOR PRIVATE GAIN

The use of the buildings, grounds and equipment by an individual or group for the purpose of private gain shall be permitted when:

1. such use is sponsored by some other organization which is not operated for private gain;
2. a worthy educational, civic or charitable purpose will be serviced;
3. alternate facilities are unavailable and use of town facilities is in the public interest.
TOWN OF NORWAY
APPLICATION FOR USE OF MUNICIPAL ROOM

1. NAME OF ORGANIZATION:_________________________________

2. DESCRIPTION OF ORGANIZATION:_________________________________

3. DESCRIPTION OF PROPOSED ACTIVITY:_________________________________

4. DATE(S) AND TIME(S) REQUESTED:_________________________________
   (Please include time necessary for preparation and clean-up)

5. ARE YOU CONTRACTING FOR USE OF THE KITCHEN AS WELL?_____________

6. WHO WILL BE IN ATTENDANCE AT THE PROPOSED ACTIVITY?_____________

7. WILL THERE BE AN ADMISSION PRICE?______________________________

8. ARE FUNDS BEING RAISED AT THE PROPOSED ACTIVITY?_______________

9. A BILL WILL BE SENT FOR CHARGES OF $25.00 FOR THE FIRST TWO HOURS, $7.50 PER
   HOUR FOR EACH SUBSEQUENT HOUR FOR THE MEETING ROOM TO COVER THE COST
   OF THE JANITORIAL EXPENSES. THE CHARGE FOR THE KITCHEN SHALL BE IN
   ADDITION TO THE ABOVE AND IS DEPENDENT UPON THE TYPE OF USAGE PLANNED.

10. INDIVIDUAL WHO WILL BE PERSONALLY RESPONSIBLE FOR OBSERVANCE OF THE
    REGULATIONS:

    NAME:_________________________________ TELEPHONE:_________________________

    ADDRESS:____________________________________________________________________

    SIGNATURE:____________________________ DATE:______________________________

    APPROVED BY:________________________________ DATE:_________________________
***IF BILLS ARE TO BE SENT TO OTHER THAN INDIVIDUAL RESPONSIBLE, PLEASE INDICATE:

NAME:_______________________________________ TELEPHONE:____________________

ADDRESS:____________________________________________________________
TOWN OF NORWAY
SHORELAND ZONING ORDINANCE

Adopted: 06/30/75
Amended: June 15, 2015
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Appendix A: Alternative to 30% Expansion Rule pursuant to 38 M.R.S.A. section 439-A, subsection 4-A
1. **Purposes.** The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish, aquatic life, bird and other wildlife habitat; control building sites, placement of structures and land uses; and conserve shore cover, visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

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

3. **Applicability.** This Ordinance applies to all land areas within 250 feet, horizontal distance, of the
   - normal high-water line of any great pond or river as depicted on the Official Norway Shoreland Zoning Map,
   - upland edge of a freshwater wetland, rated moderate or high value waterfowl and wading bird habitat by the Maine Department of Inland Fisheries and Wildlife, and within 75 feet, horizontal distance, of the upland edge of a freshwater wetland not rated moderate or high value by the Maine Department of Inland Fisheries and Wildlife, or as depicted on the Official Shoreland Zoning Map,

   and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream and outlet stream as depicted on the Official Norway Shoreland Zoning Map.

   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 Amendments.** This Ordinance, which was adopted by the municipal legislative body on, 06/30/75, amended on June 15, 2015 shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the 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 within forth-five (45) days of his/her receipt of the Ordinance Amendment, it shall be automatically approved.

   Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance Amendment if the Ordinance Amendment is approved by the Commissioner.
B. **Sections 15(O).** Section 15(O) is repealed as of the effective date of these amendments.

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 this 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 Town of Norway, the more restrictive provision shall control.

8. **Amendments.** The Ordinance may be amended by a 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 which is made a part of this Ordinance:

   1. Resource Protection
   2. Limited Residential
   3. Limited Commercial
   4. General Development
   6. Stream/Wetland Protection

   **B. Scale of Map.** The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2,000 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 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 the Official Shoreland Zoning Map, District boundary lines are property lines, the centerline of streets, roads and rights-of-way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to exact location of District boundary lines, the Board of Appeals shall be the final authority as to location. Map and lot numbers herein refer to the Property Maps, Town of Norway, as updated by the Town of Norway Assessor.

*NOTE: Stream and wetland locations, as shown on the Official Shoreland Zoning Map, are in many cases approximate. All decisions which involve physical location of boundaries will be made only after a ground check has been made. Those which involve determination of actual wetland, for instance, should be made with the advice of a person with appropriate training.*

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 nonconforming conditions that existed before the effective date of this Ordinance 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 nonconforming 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 nonconforming uses and structures including repairs or renovations that do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

*NOTE:* See Section 17 for the definitions of nonconforming structures, nonconforming uses, and nonconforming lots.

C. Non-conforming Structures

1. Expansions. All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section 15(B)(1). 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) Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.

   (b) Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1).

      (i) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.

      (c) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use
standards are met and the expansion is not prohibited by Section 12(C)(1) or Section 12(C)(1)(a), above.

(i) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

(ii) For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.

(iii) In addition to the limitations in subparagraphs (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.

(d) An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.

Norway Shoreland Zoning Ordinance

2. Foundations. 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)(3) Relocation, below.

3. Relocation. A nonconforming 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 nonconforming.

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 accordance with Section 15(S). 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.
4. Reconstruction or Replacement: Any nonconforming 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 nonconformity. 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 footprint of the reconstructed or replaced structure at its new location. If the total amount of footprint 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 nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained, from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria 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 nonconforming 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, flood plain management, archaeological and historic resources, and other functionally water-dependent uses.

D. Nonconforming Uses

1. Expansions: Expansions of nonconforming uses are prohibited, except that nonconforming 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 nonconforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.
2. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

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

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

This provision shall not apply to two or more contiguous lots, at least one of which is nonconforming, 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, biotic systems or scenic and natural values. This district shall include the
following areas when they occur within the limits of the shoreland zone, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial or General Development District I 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) or the Department that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of December 2010. For the purposes of this paragraph “wetlands associated with great ponds and rivers” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river.

2. Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.

3. Areas of two or more contiguous acres with sustained slopes of 20% or greater and areas with unstable soil subject to slumping, mass movement or severe erosion.

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.
6. Other significant areas which should be included in this district to fulfill the purposes of this Ordinance such as, but not limited to, existing public access areas and certain significant archaeological and historic sites deserving of long-term protection as determined by the municipality after consultation with the Maine Historic Preservation Commission.

This District may also include:

7. Other significant wildlife habitat;
8. Natural sites of significant scenic or aesthetic value;
9. Areas designated by Federal, State or municipal governments as natural areas of significance to be protected from development; and

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

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

D. General Development 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; and

   (a) Areas devoted to manufacturing, fabricating or other industrial activities;

   (b) Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
(c) Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.

(d) Transportation rights-of-way;

(e) Communication and utility rights-of-way;

(f) Areas used for the extraction or processing of mineral resources;

(g) Areas devoted to residential dwelling units at a density of 2 or more per acre.

(h) Areas devoted to mixed or combined patterns of "a" through "g" above.

2. Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

E. Stream Protection District. The Stream/Wetland 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. 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 rated high or moderate value by the Maine Department of Inland Fisheries and Wildlife or as depicted on the Official Shoreland Zoning Map that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland. The Stream/Wetland Protection district also includes all land areas within seventy-five (75) feet horizontal distance, of the upland edge of freshwater wetlands not rated moderate or high by the Maine Department of Inland Fisheries and Wildlife.
14. **Table of Land Uses.** Land uses permitted in each district, in conformance with the land use standards of this Ordinance, are shown below:

Key to Table 1:

- **Yes** - Allowed (no permit required but the use must comply with all applicable land use standards.)
- **No** - Prohibited
- **PB** - Allowed with permit issued by the Planning Board.
- **CEO** - Allowed with permit issued by the Code Enforcement Officer
- **LPI** - Allowed with permit issued by the Local Plumbing Inspector

**Abbreviations:**

- RP - Resource Protection
- GD - General Development I
- LR - Limited Residential
- LC - Limited Commercial
- S/WP - Stream/Wetlands Protection
<table>
<thead>
<tr>
<th>LAND USES</th>
<th>S/WP</th>
<th>RP</th>
<th>LR</th>
<th>LC</th>
<th>GD</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>2. Motorized vehicular traffic on existing roads and trails</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>Forest management activities except for timber harvesting &amp; land management roads</td>
<td>yes</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>3. Clearing or removal of vegetation for activities other than timber harvesting</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>4. Fire prevention activities</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>5. Wildlife management practices</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>6. Soil and water conservation practices</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>7. Mineral exploration</td>
<td>no</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>8. Mineral extraction including sand and gravel extraction</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>9. Surveying and resource analysis</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>10. Emergency operations</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>11. Harvesting of wild crops</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>12. Agriculture</td>
<td>yes</td>
<td>PB</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>13. Aquaculture</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>14. Principal structures and uses</td>
<td>PB4</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>A. One and two family residential, including driveways</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
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<tr>
<td>B. Multi-unit residential</td>
<td>no</td>
<td>no</td>
<td>no10</td>
<td>no10</td>
<td>no10</td>
</tr>
<tr>
<td>C. Commercial</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>D. Industrial</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>E. Governmental and institutional</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>F. Small non-residential facilities for educational, scientific, or nature interpretation purposes</td>
<td>PB4</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>15. Structures accessory to allowed uses</td>
<td>PB4</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
</tr>
<tr>
<td>16. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland and over 20ft in length projecting into waterbodies.</td>
<td>CEO11</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
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<tr>
<td>a. Temporary</td>
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<td></td>
</tr>
<tr>
<td>b. Permanent</td>
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<tr>
<td>17. Conversions of seasonal residences to year-round residences</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
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<tr>
<td>18. Home occupations</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>yes</td>
</tr>
<tr>
<td>19. Private sewage disposal systems for allowed uses</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
<td>LPI</td>
</tr>
<tr>
<td>20. Essential services</td>
<td>PB6</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>A. Roadside distribution lines (34.5kV and lower)</td>
<td>CEO6</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone</td>
<td>PB6</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone</td>
<td>PB6</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
</tbody>
</table>

Norway Shoreland Zoning Ordinance
### D. Other essential services

<table>
<thead>
<tr>
<th>Service Drop, as defined, to allowed uses</th>
<th>PB⁶</th>
<th>PB⁶</th>
<th>PB</th>
<th>PB</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Public and private recreational areas involving minimal structural development</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>Individual, private campsites</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>Campgrounds</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Road construction</td>
<td>PB</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Land management roads</td>
<td>yes</td>
<td>PB</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<tr>
<td>Parking facilities</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Marinas</td>
<td>PB</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>Filling and earth moving of &lt;10 cubic yards</td>
<td>CEO</td>
<td>CEO</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>Filling and earth moving of &gt;10 cubic yards</td>
<td>PB</td>
<td>PB</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>Signs</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>Uses similar to allowed uses</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>Uses similar to uses requiring a CEO permit</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>Uses similar to uses requiring a PB permit</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
</tbody>
</table>

1. In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
2. Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
3. In RP not allowed in areas so designated because of wildlife value.
4. Provided that a variance from the setback requirement is obtained from the Board of Appeals.
5. Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).
6. See further restrictions in Section 15(L)(2).
7. Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.
8. Except as provided in Section 15(H)(4).
9. Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special Exceptions. Two-family residential structures are prohibited.
10. Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.
11. Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
12. Permit not required but must file a written “notice of intent to construct” with CEO.

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, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- Draining or otherwise dewatering;
- Filling, including adding material to a sand dune; or
- Any construction or alteration of any permanent structure.

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15. **Land Use Standards.** All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. **Minimum Lot Standards**

<table>
<thead>
<tr>
<th></th>
<th>Minimum Lot Area (square feet)</th>
<th>Minimum Shore Frontage (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential-Per Dwelling Unit</td>
<td>40,000</td>
<td>200</td>
</tr>
<tr>
<td>Governmental, Institutional, Commercial or Industrial-Per Principal Structure</td>
<td>60,000</td>
<td>300</td>
</tr>
<tr>
<td>Public and Private Recreational Facilities</td>
<td>40,000</td>
<td>200</td>
</tr>
</tbody>
</table>

1. Lots of record in the General Development & Limited Commercial Districts shall equal or exceed 20,000 square feet without sanitary sewers or 10,000 square feet with sanitary sewers. Minimum shore frontage shall be 100 feet horizontal distance. No existing lot in the General & Limited Commercial Districts may be further divided except in conformity with the above table.

2. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

3. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

4. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

5. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel; all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.
6. When lots in a subdivision, as defined in Title 30-A M.R.S.A. Section 4401, have frontage on the Crooked River, the proposed plan must require principal structures to have a combined lot shore frontage and set back from the normal high water line of 500 feet. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

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 the Crooked River, and seventy five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development I District the setback from the normal high-water line shall be at least twenty-five (25) feet. 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 structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

3. The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of the ordinance and need not meet the elevation requirements of this paragraph.

4. With the exception of General Development Districts located adjacent to coastal wetlands and rivers that do not flow to great ponds, and Commercial Fisheries/Maritime Activities Districts, non-vegetated surfaces shall not exceed a total of twenty (20) percent of the portion of the lot located within the shoreland zone. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located.

In a General Development District located adjacent to coastal wetlands, or rivers that do not flow to great ponds, or in a Commercial Fisheries/Maritime Activities District, non-vegetated surfaces shall not exceed a total of seventy (70) percent of the portion of the lot located within the shoreland zone.

For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as nonvegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 and in continuous existence since that date.

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;

(b) 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;

(c) The total height of the wall(s), in the aggregate, are no more than 24 inches;

(e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.

(f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

(g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

(i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;

(ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

(iii) Only native species may be used to establish the buffer area;

(iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

(v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;

(h) If the retaining wall and associated soil disturbance occurs within 75’ horizontal distance, of a water body, tributary stream or wetland, a permit pursuant to the
Natural Resources Protection Act is required from the Dept of Environmental Protection.

6. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

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

In addition to federal or state permits which may be required for such structures and uses, they shall conform to the following.

1. No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 15(A), a second structure may be allowed and may remain as long as the lot is not further divided.

2. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

3. The location shall not interfere with developed or natural beach areas.

4. The facility shall be located so as to minimize adverse effects on fisheries.

5. 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.

6. 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.
7. New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

8. 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.

9. Except in the General Development Districts, 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.

10. Vegetation may be removed in excess of the standards in Section 15(P) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.

   (a) When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment accessway must be restored.

   (b) Revegetation must occur in accordance with Section 15(S).

NOTE: A permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection for Shoreline Stabilization activities.

NOTE: A municipality may adopt a provision such as paragraph 11 below to allow the construction of decks over a river in a downtown revitalization project, in accordance with 38 M.R.S.A. § 439-A(4-B).

11. A deck over a river may be exempted from the shoreland setback requirements if it is part of a downtown revitalization project that is defined in a project plan approved by the legislative body of the municipality, and may include the revitalization of structures formerly
used as mills that do not meet the structure setback requirements, if the deck meets the following requirements:

(a) The total deck area attached to the structure does not exceed 700 square feet;

(b) The deck is cantilevered over a segment of a river that is located within the boundaries of the downtown revitalization project;

(c) The deck is attached to or accessory to an allowed commercial use in a structure that was constructed prior to 1971 and is located within the downtown revitalization project;

(d) The construction of the deck complies with all other applicable standards, except the shoreline setback requirements in section 15(B); and

(e) The construction of the deck complies with all other state and federal laws.

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

1. Camping areas shall contain a minimum of 5,000 square feet of suitable 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 or the Crooked River, 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 or Crooked River, 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.

When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.

3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses. The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds, the Crooked River and streams which flow to great ponds:

a. Auto washing facilities
b. Auto or other vehicle service and/or repair operations, including body shops
c. Chemical and bacteriological laboratories
d. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
e. Commercial painting, wood preserving, and furniture stripping
f. Dry cleaning establishments
g. Electronic circuit assembly
h. Laundromats, unless connected to a sanitary sewer
i. Metal plating, finishing, or polishing
j. 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
k. Photographic processing
l. 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.

3. In determining the appropriate size of proposed parking facilities, the
   following shall apply:

   a. Typical parking space: Approximately ten (10) feet wide and
      twenty (20) feet long, except that parking spaces for a vehicle and
      boat trailer shall be forty (40) feet long.

   b. Internal travel aisles: Approximately twenty (20) feet wide.

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

1. Roads and driveways shall be set back at least one-hundred (100) feet,
   horizontal distance, from the normal high-water line of a great pond or the
   Crooked River and seventy-five (75) feet, horizontal distance, from the
   normal high-water line of other water bodies, tributary steams, 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 to no less
than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland. On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 15 (H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

2. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream or wetland.

3. New 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.

4. 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(T).

5. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

6. 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.

7. 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 Districts:

1. Signs relating to goods and services sold on the premises should be allowed, provided such signs shall not exceed six (6) square feet in area, and shall not exceed two (2) signs per premises. In the General Development District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods and services not 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 signs 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, nonflashing 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 pre-development 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.

NOTE: The Stormwater Management Law (38 M.R.S.A. section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of 20,000 square feet or more of impervious area or 5 acres or more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or a project with 1 acre or more of developed area in any other stream, coastal or wetland watershed. A permit-by-rule is necessary for a project...
K. Septic Waste Disposal/Sanitary Standards

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.

NOTE: The Maine Subsurface Wastewater Disposal Rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance.

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 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 Planning Board shall be required for mineral exploration which exceeds the above limitations. 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 or the Crooked River, and 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 (2 ½:1) 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

Norway Shoreland Zoning Ordinance
1. All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, the Crooked River, 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 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.

*NOTE: Assistance in preparing a Conservation Plan may be available through the local Soil and Water Conservation District office.*

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

5. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet 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

In 2013 the Town voted at Town Meeting to go with option 1, The State would regulate and enforce timber harvesting in the Shoreland Zone. So as a result, Section O was repealed. Below is reference information only.

NOTE RELATING TO TIMBER HARVESTING STANDARDS:

Title 38 M.R.S.A. section 438-A provides that, notwithstanding other provisions of the Mandatory Shoreland Zoning Act, the regulation of timber harvesting and timber harvesting activities in shoreland areas must be in accordance with section 438-B and rules adopted by the Maine Forest Bureau pursuant to Title 12, section 8867-B. Section 438-B establishes three options from which each municipality may choose as the State implements a set of statewide timber harvesting standards in shoreland areas.

Option 1: The first option available to a municipality is the complete repeal of timber harvesting provisions from the shoreland zoning ordinance. Under this option the Bureau of Forestry will administer the regulation of all forestry activities within the municipality. Section 438-B(2) states:

A municipality may choose to have the statewide standards apply to timber harvesting and timber harvesting activities in that municipality by authorizing the repeal of all provisions within the municipal shoreland zoning ordinance that regulate timber harvesting and timber harvesting activities in shoreland areas and notifying the (Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry) of the repeal. The authorization must specify a repeal date. When a municipality accepts the statewide standards in accordance with this subsection, the (Director of the Bureau of Forestry) shall administer and enforce the statewide standards within that municipality beginning on (January 1, 2013) or the municipal repeal date specified in the notification received under this subsection.

Section 438-B(6) provides that, notwithstanding any provision in a local ordinance to the contrary, beginning January 1, 2013 rules adopted by the Bureau of Forestry under Title 12, section 8867-B will apply in all municipalities that have accepted the statewide standards in accordance with Option 1.

If a municipality chooses option 1, completely repealing the municipal regulation of timber harvesting activities in the shoreland zone and deferring the regulation of timber harvesting activities
to the Bureau of Forestry, the repeal should include all references to timber harvesting regulations, including:

1. Section 14, Table 1, Land Uses in the Shoreland Zone, Item 3 (forest management activities except for timber harvesting & land management roads), Item 4 (timber harvesting), and Item 27 (land management roads) of the Table;

2. Section 15(O) in its entirety (Section 15(O-1) would not have been adopted by those municipalities that had elected to retain section 15(O), so there would be no need to repeal section 15(O-1)); and

3. All definitions in Section 17 pertaining to timber harvesting and forest management activities, including the terms: Cross-sectional area, DBH, Disruption of shoreline integrity, Forest management activities, Forest stand, Harvest area, Land management road, Licensed forester, Residual basal area, Residual stand, Skid road or skid trail, Slash, Timber harvesting and related activities, and Wind firm.

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 seventy-five (75) feet, horizontal distance, inland from the normal high-water line, except to remove safety hazard trees as described in section Q.

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 or the Crooked River, or within a strip seventy-five (75) feet from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

   a. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems
is allowed for accessing the shoreline 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, the Crooked River or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot square (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</td>
<td>1</td>
</tr>
<tr>
<td>4 - &lt;8</td>
<td>2</td>
</tr>
<tr>
<td>8-&lt;12</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.

**NOTE:** As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

\[(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}\]

*Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 12 points (36-24=12) may be removed from the plot provided that no cleared openings are created.*

The following shall govern in applying this point system:

(i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
(ii) Each successive plot must be adjacent to, but not overlap a previous plot;
(iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
(iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;
(v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P)(2)(b) “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 1/2) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

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

c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2) (a) above.

d. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section Q, below unless existing new tree growth is present.

f. In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 15.P(2)
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 or the Crooked River, and seventy-five (75) feet 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 Districts.

4. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

5. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).

Q. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal.

(1) Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

(a) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.

(b) Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and
one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.

(c) The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.

(d) The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.

(e) The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level.

(2) Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

(a) Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

(i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;

(ii) Stumps from the storm-damaged trees may not be removed;

(iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and

(iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.

(b) Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5)
feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

R. Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(P), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

1. The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(P) apply;

2. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable;

3. The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;

4. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(N) are complied with;

5. The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:

   a. A coastal wetland; or

   b. A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.
(6) The removal of non-native invasive vegetation species, provided the following minimum requirements are met:

(a) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;

(b) Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and

(c) If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

NOTE: An updated list of non-native invasive vegetation is maintained by the Department of Agriculture, Conservation and Forestry’s Natural Areas Program: http://www.maine.gov/dacf/mnap/features/invasive_plants/invasives.htm

(7) The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

S. Revegetation Requirements.

When revegetation is required in response to violations of the vegetation standards set forth in Section 15(P), to address the removal of non-native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

(1) The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

(2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:
(3) If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.

(4) Revegetation activities must meet the following requirements for trees and saplings:
   
   (a) All trees and saplings removed must be replaced with native noninvasive species;

   (b) Replacement vegetation must at a minimum consist of saplings;

   (c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;

   (d) No one species shall make up 50% or more of the number of trees and saplings planted;

   (e) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and

   (f) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.

(5) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:

   (a) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;

   (b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

   (c) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;

   (d) No one species shall make up 50% or more of the number of planted woody vegetation plants; and

   (e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years

(6) Revegetation activities must meet the following requirements for ground vegetation and ground cover.
(a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

(b) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and

(c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

NOTE: If a municipality intends to take independent enforcement actions related to the contractor certification requirements of 38 M.R.S.A. Section 439-B, they should insert the following into the application requirements of their ordinance:

(5) When an excavation contractor will perform an activity that requires or results in more than one (1) cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.

T. 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.

d. As of Jan. 1, 2013, a person certified by the DEP in erosion control best practices must be on-site of any activity that disturbs more than one cubic yard of soil—including earth moving, logging or landscaping operations—in the shoreland zone until work is complete and the site stabilized. The shoreland zone is an area defined as within 250 feet of rivers, wetlands, lakes and 75 feet of streams.

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.

U. **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,
prepared by a State-certified soil scientist or geologist based on an on-site
investigation. Suitability considerations shall be based primarily on criteria
employed in the National Cooperative soil survey as modified by on-site factors
such as depth to water table and depth to refusal. 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.

V. **Water Quality Protection.** 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.

W. **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.

X. **Shorefront Common Areas**

Shorefront common areas shall meet or exceed the following:

1. The shorefront common area shall contain a minimum of 40,000 square
feet.
2. The shorefront common area shall have a minimum of 50 feet of shoreline frontage for each residential dwelling unit which has access to the common area and for each right of use granted to the common area.

3. Accommodations for motor boats shall be limited to one boat for each 25 feet of shoreline frontage. This limit shall not apply to motor boats of transient visitors which remain at the common area for less than 24 hours.

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. There is hereby created the Board of Appeals of the Town of Norway pursuant to the provisions of 30-A M.R.S.A. section 2691.

3. Planning Board. A Planning Board shall be created in accordance with the provisions of State law.

B. Permits Required. After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

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

   a. The replacement culvert is not more than 25% longer than the culvert being replaced;

   b. The replacement culvert is not longer than 75 feet; and

   c. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
2. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer’s level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

3. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.

2. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

4. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits. Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board’s agenda following receipt of

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the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

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

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

(1) Will maintain safe and healthful conditions;

(2) Will not result in water pollution, erosion, or sedimentation to surface waters;

(3) Will adequately provide for the disposal of all wastewater;

(4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

(5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

(6) Will protect archaeological and historic resources as designated in the comprehensive plan;

(7) Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;

(8) Will avoid problems associated with floodplain development and use; and

(9) Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the municipality.
E. **Special Exceptions.** In addition to the criteria specified in Section 16(D) above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

1. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

2. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.

3. All proposed buildings, sewage disposal systems and other improvements are:

   (a) Located on natural ground slopes of less than 20%; and

   (b) Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

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

4. The total ground-floor area footprint, 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 100 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.
F. **Expiration of Permit.** Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

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

H. **Appeals**

1. Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:

   a. Administrative Appeals – Planning Board Decisions: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance;

   b. Administrative Appeals – Code Enforcement Decisions: 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.

   c. 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.

   d. 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:

(1) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and

(2) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

(i) That the land in question cannot yield a reasonable return unless a variance is granted;

(ii) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

(iii) That the granting of a variance will not alter the essential character of the locality; and

(iv) That the hardship is not the result of action taken by the applicant or a prior owner.

d. Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals or the codes enforcement officer if authorized in accordance with 30-A MRSA §4353-A 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. Any permit issued pursuant to this subsection is subject to Sections 16(H)(2)(f) and 16(H)(4)(b)(iv) below)

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

f. A copy of 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

a. Code Enforcement Officer Decisions: 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.

b. Planning Board Decisions: When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

4. Appeal Procedure
a. Making an Appeal

(i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16 (H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

(ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

(a) A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

(b) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

(iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

(iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

b. Decision by Board of Appeals

(i) A majority of the full voting membership of the board shall constitute a quorum for the purpose of deciding an appeal.

(ii) The person filing the appeal shall have the burden of proof.
(iii) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

(iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board’s decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

5. Appeal to Superior Court. Except as provided by 30-A M.R.S.A. section 2691 (3)(F), a 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 45 days from the date of any decision of the Board of Appeals.

6. Reconsideration. In accordance with 30-A M.R.S.A. section 2691 (3)(F), the Board of Appeals may reconsider any decision within forty-five 45 days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

I. Enforcement

1. Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance.
2. Code Enforcement Officer

a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he 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, structures, or work being done, removal of illegal buildings or structures and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

3. Legal Actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or
hazard to public health and safety or will result in substantial environmental damage.

4. Fines. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

17. Definitions

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

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

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

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

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

Basement: any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Boat launching facility: a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Bureau: State of Maine Department of Agriculture, Conservation, and Forestry 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.

**Common shorefront area:** an area intended for recreational use by residents in common.

**Cross-sectional area:** the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

**DBH:** the diameter of a standing tree measured 4.5 feet from ground level.

**Development:** a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

**Dimensional requirements:** numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

**Disability:** an disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

**Disruption of shoreline integrity:** the alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.
**Driveway:** a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

**Emergency operations:** operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

**Essential services:** gas, electrical or communication facilities; steam, fuel, electric power, or water transmission or distribution lines, towers, and related equipment; telephone cables or lines, poles, and related equipment; gas, oil, water, slurry, or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants, and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

**Expansion of a structure:** an increase in the floor area or volume footprint 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 footprint of a structure 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.

**Footprint** - the entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios 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.
**Forest wetland:** a fresh water wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

**Forest Stand:** a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

**Foundation:** the supporting substructure of a building or other structure, excluding wooden sills and post supports, including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

**Freshwater wetland:** freshwater swamps, marshes, bogs and similar areas other than forested wetlands, which are:

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

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

**Functionally water-dependent uses** - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish-related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

**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.

Any inland body of water which has a surface area in excess of 10 acres, except where such body of water is manmade and in addition is completely surrounded by land held by a single owner, and except those privately owned ponds which are held primarily as waterfowl and fish breeding areas or for hunting and fishing.

**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.

**Hazard tree** - a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

**Harvest Area:** the area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

**Height of a structure:** the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

**Home occupation:** an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

**Increase in nonconformity of a structure:** any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as,
but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

**Individual private campsite:** an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

**Industrial:** the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

**Institutional:** a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

**Land Management Road:** a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

**Licensed Forester:** a forester licensed under 32 M.R.S.A. Chapter 76.

**Lot area:** the area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

**Marina:** a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and 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.

Minimum lot width: the closest distance between the side lot lines of a lot.

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 or footprint, 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.

Non-native invasive species of vegetation - species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.
Normal high-water line (non-tidal waters): that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Outlet stream - any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

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 structure other than one which is used for purposes wholly incidental or accessory to the use of another building structure or use on the same premises lot.

Principal use: a use other than one which is wholly incidental or accessory to another use on the same premises lot. The structure in which the primary use of the lot is conducted.

Privy: a pit in the ground into which human excrement is placed.

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
Recreational facility: a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational vehicle: a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system: a system intended to replace: 1) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2) any existing overboard wastewater discharge.

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

Residual basal area: the average of the basal area of trees remaining on a harvested site.

Riprap: rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

Residual Stand: a stand of trees remaining in the forest following timber harvesting and related activities.

River: a free-flowing body of water including its associated 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.

Sapling: a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.
Seedling - a young tree species that is less than four and one half (4.5) feet in height above ground level.

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 (North Pond, Little Penesseewassee Pond, Penesseewassee Lake, Mud Pond, Sand Pond, Speck Pond and Furlong Pond) and the Crooked River; within 250 feet, horizontal distance, or such other distances identified on the Norway Shoreland Zoning Map, of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high water line of streams as identified on the Norway Shoreland Zoning Map.

Shoreline: the normal high-water line, or upland edge of a freshwater or coastal wetland.

Skid Road or Skid Trail: a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.
**Slash:** the residue, e.g., treetops and branches, left on the ground after a timber harvest.

**Storm-damaged tree** - a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

**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, highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or flows to where the stream meets the shoreland zone of another waterbody or wetland within the shoreland area and as identified on the Norway Shoreland Zoning Map. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

**Structure:** anything temporarily or permanently located, built constructed or erected 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. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

**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. “Timber harvesting” does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities.
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.

**Tree**: a woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

**Tributary stream**: means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock, and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

**Upland edge of a wetland**: the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

**Vegetation**: all live trees, shrubs, and other plants including, without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

**Velocity zone**: an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

**Volume of a structure**: the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

**Water body**: any great pond, river or stream.
**Water crossing:** any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include, but may not be limited to, roads, fords, bridges, culverts, water lines, sewer lines, and cables, as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

**Wetland:** a freshwater wetland.

**Windfirm** - the ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

**Woody Vegetation** - live trees or woody, non-herbaceous shrubs.
TOWN OF NORWAY, MAINE
OUTDOOR FESTIVAL ORDINANCE

I. AUTHORITY:

This ordinance is adopted pursuant to Home Rule under the Maine Constitution, 30-A M.R.S.A. Sec. 3001 and 22 M.R.S.A. Sec. 1602(5).

II. STATEMENT OF PURPOSE:

The Town of Norway is concerned about the adverse effect to the general health and safety of the community that may result from large crowds which attend outdoor events, including but not limited to, exhibitions, festivals, music concerts and fairs. Large gatherings may lead to sanitation problems, resulting from inadequate waste disposal, insufficient drinking water and ill-equipped first aid facilities. Such gatherings may threaten the safety of the community through the obstruction of roads, violation of liquor and drug laws, and destruction of property. Therefore, the following ordinance is hereby ordained for the purposes of protecting the general welfare, preventing disease, promoting health and providing for the public safety.

III. REQUIREMENT OF A LICENSE FOR LARGE OUTDOOR EVENTS:

A. No person or group of persons may sponsor, promote, operate or hold any festival, exhibition, amusement show, fair, theatrical performance, music concert or other activity, hereinafter known as “the event”, which 250 or more people are reasonably expected to attend and in which a substantial portion of the entertainment or the people attending will be out-of-doors, unless a license is first obtained from the Board of Selectmen of The Town of Norway.

B. The licensing procedure will be administered in the following manner:

1. The person or group of persons seeking an event license must file an application form with the Town Clerk of The Town of Norway no less than 45 days before the proposed commencement of the event.

2. The non-refundable fee for the application review shall be $100.00 and must accompany the application therefore. The Board of Selectmen may waive the fee for organizations which have a civic, charitable or community purpose and if any profits from the event are used in Norway for that purpose.

3. Before a license may be issued, the Board of Selectmen shall hold a public hearing in order to review the application and determine the conditions required to safeguard the public health, safety and welfare. The appropriate town officials shall prepare and have ready for the public’s review their recommendations after inspecting the site and review of the application. The license applicants have the right to attend and to represent their interests at such hearing. After assessing the possible effects that the event may have in accordance with the standards set forth in paragraph (c) below, the Board of Selectmen may deny the permit or grant the permit, or grant the permit and impose such reasonable conditions as will enhance the event’s ability to meet the standards set forth in paragraph (c) below,
including requiring the applicant to:

a. Post a corporate bond from a company authorized to do business in Maine, to ensure prompt cleaning of the grounds after the close of the event, and to ensure prompt payment for all damages caused by any attendee or employee to public or private property in the vicinity resulting from or in connection with the event. The surety shall be to the benefit of the Town of Norway and shall allow the Town to draw on the funds if actions are not taken within three (3) working days after the event. At the discretion of the Board of Selectmen, a cash deposit, a letter of credit or some other adequate security may be substituted for a corporate bond.

b. Agree to hire security guards or police at the expense of the licensee. All security guards and/or police must be approved by the Chief of Police. The Chief of Police shall also determine the number of security guards and/or police to be hired.

c. Demonstrate, by means of a written descriptive plan, that adequate facilities will be provided at the site of the event, in order to protect the health of the people who attend, including:

   1. Adequate sanitary waste disposal facilities;

   2. Adequate metal containers shall be spaced in the area to take care of solid waste and garbage, with at least one container for each reasonably anticipated fifty (50) persons. Within twenty-four (24) hours after the close of the event, such waste material shall be removed to a public solid waste disposal facility.

   3. Every effort should be made to recycle all refuse:

   4. Adequate first aid facilities:

   5. Adequate water supplies:

   6. Adequate off street parking facilities shall be furnished with at least one car space for each six (6) persons reasonably anticipated, with adequate access ways.

d. Comply with all federal, state and local laws.

e. Provide notice to the appropriate town, county and state officials as named by the Board of Selectmen.

f. File proof of authority from landowners whose property will be used in holding the event.

g. File proof of authority from landowners whose property will be used for parking.

C. Licenses issued under this ordinance are not transferable or assignable, without prior approval of the Board of Selectmen.
IV. **EXEMPTIONS:**

All outdoor events, festivals, music concerts, fairs and other large gatherings sponsored and under the direct supervision of the Town of Norway, including the Guy E. Rowe School, shall be exempt from the provisions of this ordinance. All such activities conducted as an seasonally regular event under the normal operation of a licensed campground shall also be exempt.

V. **PENALTIES:**

Violation of this ordinance constitutes a civil violation punishable by a civil penalty of not less than $100 nor more than $2,500 for each violation, plus attorney’s fees and costs. Each day such violation continues shall constitute a separate offense.

VI. **SEVERABILITY:**

Each part of this ordinance is severable and if any phrase, clause, sentence or provision is declared to be contrary to law, the validity of the remainder shall not be affected thereby.
Section A. Municipal Parking Lots:

1. For the purpose of this Article, “Municipal Parking Lots” are hereby defined as lots of land controlled and set aside by the Town of Norway as off-street parking areas for the parking of vehicles. Such areas are for public usage under regulations of this Article.

2. It shall be unlawful and a violation of this Article for any person to permit any motor vehicle owned by or under the control of such person to remain or stand in any municipal parking lot at any time unless such vehicle complies with the laws of the State of Maine made and established for the registration and inspection.

3. No person shall park any vehicle in any municipal parking lot in the Town of Norway for a period exceeding the posted limit or, in the case of unposted lots, forty-eight (48) hours at any one (1) time.

4. From November 15 to May 15:
   All vehicles shall park on the BLUE side of municipal parking lots on Sunday, Monday, Wednesday and Friday. All vehicles shall park on the RED side on Tuesday, Thursday and Saturday.

5. From April 15 to June 15:
   Parking ban as needed for sweeping in-town streets. Notices will be posted 48-hours in advance of the parking ban.

6. From June 15 to November 22:
   Parking ban as needed on Main Street for street sweeping. Notices will be posted on Main Street 48 hours in advance.

7. It shall be prima facie evidence that the registered owner of the vehicle is the violator and shall be punished by a fine and subject to towing, as noted in Section D, Violations and Penalties.
Section B: Emergency Towing

1. Vehicles left unattended in a public street or parking lot may be towed without giving prior notice upon order of the Chief of Police or his/her designee to an appropriate towing firm when such vehicles interfere with the Town’s ability to deal with emergency situations, including but not limited to the following:

- Snow removal operations
- Firefighting operations
- Police activity, including maintaining civil order
- Street sweeping
- Utility services
- Ambulance services
- Traffic control or flow
- Municipal parking lots

Section C: Owner responsibility for towing fees & recovery

1. The owner of a vehicle towed in compliance with this ordinance shall be responsible for paying towing and storage costs to the towing firm and shall be responsible for recovering the vehicle from the place of impoundment. These costs are separate from municipal penalties listed in Section D.

Section D: Violations and Penalties

1. Penalties for violations shall be as follows:
   - First offense: $10.00 (ten dollars)
   - Second offense: $15.00 (fifteen dollars)
   - Third offense: $30.00 (thirty dollars)
   - Illegal parking in a designated handicapped parking space: $40.00 (forty dollars)

2. Payment within seven (7) days of issuance of ticket will reduce payment by 50% (fifty percent).
Section E. Prosecution of Violation

1. If fines are not paid within thirty (30) days of violation, the legally listed owner of the motor vehicle that was noted as being illegally parked shall be issued a civil citation, not to exceed $25.00 (twenty-five dollars), if adjudicated to having committed the offense alleged.

Section F. Habitual Offenders

1. Any person who commits more than six (6) offenses within the period of one (1) year and adjudicated to have committed the offenses alleged, may be designated by the Chief of Police as an Habitual Offender and shall be issued a civil citation to District Court in South Paris, Maine, and subject to a fine not to exceed $50.00 (fifty dollars).

Section G. Enforcement

1. The Chief of Police or his/her designee of the Town of Norway shall be responsible for enforcement of this ordinance.
TOWN OF NORWAY
PARKING AND TRAFFIC CONTROL ORDINANCE
ENACTED JUNE 6, 1978

Urban Streets to be clearly posted by the Town of Norway

THE PURPOSE OF THIS ORDINANCE IS TO ASSIST IN THE REGULATION OF PARKING AND TRAFFIC FLOW ON TOWN MAINTAINED ROADS WITHIN THE TOWN OF NORWAY. THIS ORDINANCE IS BROKEN DOWN IN SECTIONS: SECTIONS 1. THROUGH 8. APPLY TO URBAN ROADS; SECTIONS 9. THROUGH 13 APPLY TO BOTH URBAN AND RURAL ROADS.

SECTION 1. It shall be unlawful to park any vehicle beyond the white painted lines from any street corner within the Lower Main Street and Main Street area of the Town of Norway. If no lines are present, a limit of ten (10) feet from any street corner shall apply.

FINE: $25.00 (twenty-five dollars)

SECTION 2. It shall be unlawful to park any vehicle within eight (8) feet of any fire hydrant or dry hydrant.

FINE: $20.00 (twenty dollars)

SECTION 3. It shall be unlawful to park any vehicle so that any wheel shall extend to the confines of any sidewalk.

FINE: $25.00 (twenty-five dollars)

SECTION 4. It shall be unlawful to park any vehicle so as to obstruct any driveway or private way within the Town limits.

FINE: $25.00 (twenty-five dollars)

SECTION 5. It shall be unlawful for any truck, truck tractor, or truck trailer to park diagonally on Main Street, which may cause either the cab of the truck or the body of the tractor to extend beyond the parking space and into the roadway. Permission from the Chief of Police may be given for trucks making deliveries to business owners. Permission not to exceed three (3) hours.

FINE: $20.00 (twenty dollars)

SECTION 6: It shall be unlawful for any vehicle to be parked on any street and/or roadway with the driver's side wheels against the curb (left wheels to curb).

FINE: $25.00 (twenty-five dollars)

SECTION 7: It shall be unlawful for any vehicle to park in a Designated Handicap parking area unless said vehicle is registered as such, either with registration plates bearing the International Handicap Symbol or by clearly visible placards issued by the Secretary of State.

FINE: $50.00 (fifty dollars)
SECTION 8: It shall be unlawful to park any vehicle on Main Street from the intersection of Pleasant Street and Main Street to the intersection of Paris Street and Main Street for a period longer than two hours, 8:00 a.m. to 5:00 p.m. (amended 01-08-09)
FINE: $25.00 (twenty-five dollars)

SECTION 9: It shall be unlawful to park any vehicle on any street or road within the Town of Norway from November 15 through April 15, between the hours of 10:00 p.m. and 6:00 a.m. It shall be the responsibility of the Chief of Police to advise residents of the Parking Ban by placing written notice in the local newspaper one month prior to the ban, and by issuing warning slips on any vehicle parked on any roadway in the Town of Norway between said hours.
FINE: $25.00 (twenty-five dollars) plus cost of towing, to be paid by vehicle owner

SECTION 10: It shall be unlawful to park any vehicle in a Cul-de-Sac, Hammerhead, or Turnaround

SECTION 11: PENALTIES:

Whoever violates or fails to comply with the provisions of this Ordinance shall be penalized as follows:

A. Any person who has accumulated three or more unpaid parking fines as described in this ordinance shall have the offending vehicle removed from the roadway at the owner's expense and impounded until such fines, and any towing and/or impound fees are paid in full.

B. Any person who has accumulated two or more Violations of Section 7, parking in a Designated Handicap area, or three unpaid parking fines as described in this ordinance, shall have the offending vehicle removed and impounded until such time as all fines and any towing and/or impound fees are paid in full.

C. The fines for the first parking citation issued to a vehicle owner shall be waived and that citation considered a warning only. For any subsequent violations by the same vehicle owner within a 12 month (one year) period, all applicable fines and fees shall apply

SECTION 12: Any vehicle that is parked in such a manner so that in the Police Officer's opinion, it constitutes an obstruction, as stated in the Maine Motor Vehicle Statutes, Title 29-A, Section 2068, the vehicle may be towed at the owner's expense and a summons issued to the owner of said vehicle.

SECTION 13 - Definition of Red Zone Area:

Streets or roads in the Town of Norway where parking is prohibited, in part or in whole, and Norway Police Department is empowered to tow offending vehicles at the owner's expense.
SECTION 14 - Designation of parking limitations.

Streets are listed in alphabetical order. Parking restrictions, if any, are noted below. All Sections indicated for each street shall be deemed to be a part of this Ordinance.

Alcott Street  Sections 2,3,4,6,9
Aldrich Ave.  Sections 2,3,4,6,9
Alpine Street  No Parking on the westerly (left) side of the roadway, beginning at the intersection of Paris Street to the town line. Sections 2,3,4,6,9
Ashton Road  Sections 2,3,4,6,9
Ayer Drive  Red Zone Area. No Parking on either side of the roadway from the intersection of the McKay Road to the end.
Bartlett St  No parking on the easterly (right) side of the roadway, beginning at the intersection of Route 26 to the end, where Bartlett Street meets the entrance of the Town & Country Trailer Park. Sections 2,3,4,6,9
Beal Street  No Parking on the westerly (left) side of the roadway, beginning at the Cottage Street and intersection and continuing beyond the entrance to the Norway Fire Department to the Paris Street intersection. No Parking on the easterly (right) side of the roadway beginning at the Danforth Street intersection and continuing beyond the entrance to the Norway Fire Department to the Lynn Street intersection. Parking from Lynn Street to Paris Street only in painted, designated parking spaces.
Bill Howe Road  Sections 2,3,4,6,9
Bolster Place  Red Zone area. No Parking on either side of the roadway
Brackett Road  Sections 2,3,4,6,9
Brown Street  Red Zone area. No Parking on either side of the roadway from the intersection with Route 26 (AKA Fair Street) to the end.
Buck Road  Red Zone area. No parking on either side of the roadway
Butters Road  Section 10
Camp Cinnamon Rd.  Red Zone area. No Parking on either side of the roadway
Carter Street  Sections 2,3,4,6,9
Cobb Road  Section 9
Cottage Street  Two Hour parking, where marked, on the northwesterly side; No Parking on
<table>
<thead>
<tr>
<th>Street Name</th>
<th>Sections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Country Club Road</td>
<td>Sections 2,3,4,6,9</td>
</tr>
<tr>
<td>Crescent Street</td>
<td>Section 9</td>
</tr>
<tr>
<td>Crockett Ridge Road</td>
<td>Sections 2,3,4,6,9</td>
</tr>
<tr>
<td>Cummings Place</td>
<td>Red Zone area. No Parking on either side of the roadway</td>
</tr>
<tr>
<td>Cushman Woods Road</td>
<td>Sections 9 and 10</td>
</tr>
<tr>
<td>Damon Road</td>
<td>Discontinued</td>
</tr>
<tr>
<td>Danforth Street</td>
<td>Limited two hour parking, where marked, on the southerly side, beginning at the Main Street intersection. No Parking on either side of the roadway for the remainder of the road to the intersection with Beal Street.</td>
</tr>
<tr>
<td>Daniels Road</td>
<td>Section 9</td>
</tr>
<tr>
<td>Dean Avenue</td>
<td>Sections 2,3,4,6,9</td>
</tr>
<tr>
<td>Deering Street</td>
<td>No Parking on the northerly side of the road beginning at the intersection with Main Street to the end of the Longley property. Section 9 from this point to the end on the northerly side. No parking from Main Street to Pearl Street on the southerly side of the road.</td>
</tr>
<tr>
<td>Don Hunt Road</td>
<td>Section 9</td>
</tr>
<tr>
<td>Dunn Road</td>
<td>Section 9</td>
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<tr>
<td>East Street</td>
<td>Section 9</td>
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<tr>
<td>Emerson Road</td>
<td>Section 9</td>
</tr>
<tr>
<td>Eddie Kahkonen Rd</td>
<td>Section 9</td>
</tr>
<tr>
<td>Edgewood Street</td>
<td>Section 9</td>
</tr>
<tr>
<td>Elm Street</td>
<td>Red Zone area. No Parking on either side of the roadway</td>
</tr>
<tr>
<td>Fair Street</td>
<td>Section 9</td>
</tr>
<tr>
<td>Fern Street</td>
<td>Section 9</td>
</tr>
<tr>
<td>French Road</td>
<td>Section 9</td>
</tr>
<tr>
<td>Frost Hill Road</td>
<td>Section 9</td>
</tr>
</tbody>
</table>
Goodwin Road          Section 10
Gore Road              Sections 2,3,4,6,9
Green Street           Section 9
Greenleaf Avenue       Section 9
Greenwood Road         Sections 2,3,4,6,9
Grove Street           Red Zone area - No Parking on either side of the roadway from the intersection with Route 26 (AKA Fair Street) to a point approximately 250 feet along the roadway, posted with a sign. Also Section 9
Harrison Road          Section 9
Harry Bell Road        Section 9
Hayden Avenue          Red Zone
Hayes Road             Section 9
Hazen Street           Red Zone
Hemingway Road         Section 9
High Ridge Road        Section 9 and 10
Holt Road              Section 9
Horne Street           Sections 1,2,3,4,6,9
Huntington Avenue      Section 9 and 10
Hutchins Street        Section 9
Kal Shores Road        Sections 2,3,4,6,9, 10
King Street            Red Zone
Korhonen Road          Section 9
Lake Road              Sections 2,3,4,6,9
Larson Road            Section 9
Lee Street             Sections 2,3,4,6,9
Lovejoy Place

Lyman Herrick Rd

Lynn Street

Main Street

Maple Street

Marion Avenue

Marita Drive

Marston Street

McIntyre Road

McKay Road

Mill Street

Millettville Road

Morrell Road

Morse Road

Nevers Avenue

No Name Street

Norway Center Rd

Oak Avenue

Old Stage Road

Orchard Street

Packard Avenue

Paris Street

Parsons Road

Red Zone

Section 9

Section 9

Section 9, Section 8

Section 9

Section 9

Section 9, Section 10

Red Zone area on the southeast side from the intersection of Main Street to the intersection of Beal Street. Section 9 from the intersection of Beal Street to Pine Street

Section 9

Red Zone area. No Parking either side of the roadway

Sections 2,3,4,6,9

Section 9

Section 9

Section 9

Sections 9

Red Zone area. No parking either side of the roadway

Sections 2,3,4,6,9

Red Zone area. No Parking either side of the roadway

Section 9

Section 9

Section 9

Section 9 and 10
Patch Mountain Rd  Section 9
Pearl Street       Section 9
Penn Road          Section 9 and 10
Pikes Hill         Section 9
Pine Street        Red Zone area. No Parking either side of the roadway
Pleasant Street    Section 9
Radcliff Street    Sections 2,3,4,6,9
Ralph Richardson Road Red Zone area. No Parking either side of the roadway
Ricker Road        Section 9
Roberts Road       Section 9
Rogers Street      Section 9
Rolling Meadow Road Section 9 and 10
Round the Pond Road Section 9
Route 117 – see Harrison Road
Route 118 – see Waterford Road
Sanborn Circle     Section 9
Saunders Road      Section 10
School Street      Section 9
Shedd Road         Section 9
Skillings Avenue   Red Zone area. No Parking either side of the roadway
Sodom Road         Section 9
Solon Street       Red Zone
Spring Street      Section 9
Stevens Street     Red Zone area. No Parking either side of the roadway
Summer Street  
Section 9

Stump Dump Road  
Red Zone Area. No Parking either side of the roadway

Tannery Street  
Section 9

Temple Street  
Red Zone area. No Parking either side of the roadway

Thomas Hill Road  
Section 9

Thurston Road  
Sections 9 and 10

Town & Country Drive  
Section 9

Town Farm Road  
Section 9

Tucker Street  
Red Zone

Upton Brothers Road  
Section 9

Walker Avenue  
Section 9

Water Street  
Section 9

Waterford Road  
No parking on the north side from the intersection of the Harrison Road (Rte 117) to the basketball courts. Section 9

Watson Road  
Section 9

Wiley Road  
Section 9

Winter Street  
No parking on southwest side from Paris St. to Fair Street. Section 9 Red Zone from Beal Street to Paris Street

Woodland Drive  
Red Zone area. No Parking either side of the roadway

Whitman Street  
Red Zone

Yagger Road  
Section 9
AMENDMENT TO ORDINANCE PROHIBITING RETAIL RECREATIONAL MARIJUANA ESTABLISHMENTS, RETAIL MARIJUANA SOCIAL CLUBS AND COMMERCIAL GROWING OF RECREATIONAL MARIJUANA

The Town of Norway Ordinance Prohibiting Retail Recreational Marijuana Establishments, Retail Marijuana Social Clubs and Commercial Growing of Recreational Marijuana shall be amended as follows:

Section 1. Authority.

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

Section 2. Definitions.

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

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

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, are expressly prohibited in the Town of Norway.

Retail marijuana social clubs are expressly prohibited in the Town of Norway.

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

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

Section 4. Effective date; duration.

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

Section 5. Penalties.

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

Adopted at Special Town Meeting on October 5, 2017
Adopted December 17, 1991

TOWN OF NORWAY-PARIS
RECYCLING ORDINANCE

Section 1. Title and Purpose.

This ordinance shall be known as the Recycling Ordinance for the Town of Norway-Paris. This ordinance has several purposes: to preserve and protect the environmental resources, to protect the health, safety, and welfare of the public, to enhance the quality and character of life in the Town, and to improve efforts to recover and reuse valuable resources currently being wasted.

Section 2. Scope.

This ordinance applies to all domestic, commercial, and industrial producers, haulers, and other persons who deposit solid waste within the Town of Norway-Paris or at the Norway-Paris Solid Waste, Inc. Transfer Station.

Section 3. Authority.

This ordinance is adopted pursuant to the Home Rule powers granted in the Maine Constitution, 30-A M.R.S.A. Section 3001 et seq., and 38 M.R.S.A. Section 1301 et seq.

Section 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.

Section 5. Recycling Requirement.

All solid waste shall have the following commodities (“recyclable materials”) separated out in readily-manageable form when delivered to the Town solid waste disposal facility or Town recycling facility:

1. Newspapers
2. Glass – separated by color
3. Plastic – separated by type
4. Aluminum – including cans
5. Corrugated cardboard
6. Office paper
7. Computer paper
8. Metal (non-aluminum) cans

General refuse of waste with recyclable materials removed shall be delivered to the transfer station in clear plastic bags or in open containers so as to permit the easy inspection of said refuse.

Section 6. Recycling Facility.
The Town shall provide a facility for the collection and storage of recyclable materials, located at a place or places to be designated by the Board of Directors of Norway-Paris Solid Waste, Inc.

Section 7. Administration and Enforcement.

The Board of Directors of the Norway-Paris Solid Waste, Inc. or their duly appointed agents shall administer and enforce this ordinance. Promptly after the enactment of this Ordinance by the Towns of Norway-Paris, the Board of Directors of Norway-Paris Solid Waste, Inc. shall adopt written regulations governing operation of the recycling facility, including hours, fees, inspection of materials, and other matters pertaining to the operation of the facility.

The Town of Norway-Paris participates in the recycling program of the Oxford County Regional Solid Waste Corporation. The Oxford County Regional Solid Waste Corporation is responsible for the disposal of recyclable materials collected by Norway-Paris Solid Waste, Inc.

In the event that the Town of Norway-Paris withdraws from participation in the Oxford County Regional Solid Waste Corporation or in the event that the corporation is not accepting a certain recycled material, the Board of Directors of the Norway-Paris Solid Waste, Inc. further have the authority to negotiate and contract with any person, corporation, agency, partnership, or other entity for the disposal of recyclable materials. The Board of Directors of the Norway-Paris Solid Waste, Inc. may appoint one or more persons to assist them in determining how to best dispose of recyclable materials.

Section 8. Violations and Penalties.

Violations of this ordinance shall be enforced in accordance 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.

In addition to the foregoing penalty provisions, any person, firm, partnership, corporation, or other entity who fails to separate the recyclable materials listed in Section 5 above from their solid waste may be denied entry to the Town's solid waste disposal facility.

Section 9. Amendments.

This ordinance may be amended as provided in 30-A M.R.S.A. Section 3004 (4).

Section 10. Severability and Effective Date.

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. This ordinance shall become effective, if adopted by a majority of the voters at any regular or special town meeting, on June 1, 1992 or as soon thereafter as Norway-Paris Solid Waste, Inc. by its Board of Directors issues its Rules and Regulations pursuant to this ordinance.

Enacted: January 25, 1992
Attest: Carol Millett, Town Clerk

Ch. 173, § 4
§ 3754. Hearings

Municipal officers or county commissioners, as provided for in section 3753, shall hold a public hearing before granting a permit to establish, operate or maintain an automobile graveyard, automobile recycling business or junkyard. They shall post a notice of the hearing at least 7 and not more than 14 days before the hearing in at least 2 public places in the municipality or unorganized territory and publish a notice in one newspaper having general circulation in the municipality or unorganized territory in which the automobile graveyard, automobile recycling business or junkyard is to be located. The municipal officers or county commissioners shall give written notice of the application to the Department of Transportation by mailing a copy of the application at least 7 and not more than 14 days before the hearing.

Sec. 5. 30-A MRSA § 3755, as amended by PL 1991, c. 745, § 2, is further amended to read:

§ 3755. Limitations on graveyard, automobile recycling business and junkyard permits

1. Highways; Interstate and Primary Systems. No permit may be granted for an automobile graveyard or junkyard within 1,000 feet of the right-of-way of any highway incorporated in the Interstate and Primary Systems or within 600 feet of the right-of-way of any other highway, except for:

   A. Those automobile graveyards or junkyards that are kept entirely screened to ordinary view from the highway at all times by natural objects, plantings or fences;

      1. Screening required by this paragraph must be well constructed and properly maintained at a minimum height of 6 feet and acceptable to the municipal officers or county commissioners. It must comply with the rules adopted by the Department of Transportation. The permit shall specify that compliance with these rules is required; and

   B. Those automobile graveyards or junkyards located within areas that have been zoned for industrial use and located more than 600 feet but less than 1000 feet from the right-of-way of any highway incorporated in the Interstate and Primary Systems.

2. Public facilities. No permit may granted for an automobile graveyard or junkyard that is:

   A. Located within 300 feet of any public park, public playground, public bathing beach, school, church or cemetery; and

   B. Within ordinary view from that public facility.

2-A. Public and private water supplies. No permit may be granted for automobile graveyard operations within 100 feet of a well that serves as a public or private water supply. This prohibition does not include a private well that serves only the automobile graveyard or the owner's or operator's abutting residence. This prohibition does not apply to wells installed after the effective date of this subsection if the automobile graveyard has already received a permit under section 3753.

3. Limitation on new permits. No permit may be granted for any automobile graveyard or junkyard established after October 3, 1973, and located within 100 feet of any highway.

4. Rules. No permit may be granted for an automobile graveyard or junkyard that does not comply with the rules adopted under 3759. Municipal officers or county commissioners as provided for in section 3753 may apply more stringent restrictions, limitations and conditions in considering whether to grant or deny any permit for an automobile graveyard for junkyard adjacent to any highway.

5. Local ordinances. This subchapter may not be construed to limit a municipality's home rule authority to enact ordinances with respect to automobile graveyards, automobile recycling businesses and junkyards that concern any other standards that the municipality determines reasonable, including but not limited to:

   A. Compliance with state and federal hazardous waste regulations;
B. Fire and traffic safety;

C. Levels of noise that can be heard outside the premises;

D. Distance from existing residential or institutional uses; and

E. The effect on groundwater and surface water, provided that municipal ordinances on ground water are no less stringent than or inconsistent with rules adopted by the Department of Environmental Protection concerning automobile graveyards and junkyards.

Municipal officers or county commissioners shall consider compliance with these local ordinances in deciding whether to grant or deny a permit for any automobile graveyard, automobile recycling business or junkyard and in attaching conditions of approval to the grant of a permit.

6. Applicability. Municipalities may apply local ordinances adopted previously under subsection 5 pertaining to automobile graveyards and junkyards to an automobile recycling businesses without amending those ordinances to include automobile recycling businesses. A municipality must provide notice of its intent to apply these ordinances at the time an application for an automobile recycling business permit is filed.

Sec. 6. 30-A MRSA § 3755-A is enacted to read:

§ 3755-A Automobile recycling business permits; operation standards

1. Application. An application for an automobile recycling business permit must include the following information:

A. The name and address of the property owner;

B. The name and address of the person or entity who will operate the site; and

C. A site plan, including:
   1) Property boundary lines;
   2) A description of the soils on the property;
   3) The location of any sand and gravel aquifer recharge areas;
   4) The location of any residence or school within 500 feet of where the cars will be stored;
   5) The location of any body of water on the property or within 200 feet of the property lines;
   6) The boundaries of the 100-year flood plain;
   7) The location of all roads within 1000 feet of the site;
   8) The location within the property boundary lines where vehicles are drained, dismantled and stored.

2. Standards for permit. The municipality may issue a permit to an automobile recycling business if the business demonstrates that the business meets the operation standards set forth in subsection 3.

3. Operation standards. An automobile recycling business licensed under this section must meet the following standards:

   A. The site of the yard must be enclosed by a visual screen of at least 6 feet high and built in accordance with rules adopted by the Department of Transportation pursuant to section 3759.
B. A vehicle with an intact engine or motor may not be stored within 100 feet of any body of water or freshwater wetland, as defined by Title 38, section 436-A, subsection 5.

C. A vehicle may not be dismantled or stored within 500 feet of a school, church, cemetery or public playground or park that existed on the date the permit was issued.

D. A vehicle may not be dismantled or stored over a sand and gravel aquifer or aquifer recharge area.

E. A vehicle containing fluids may not be dismantled or stored within the 100-year flood plain.

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

G. A vehicle may not be located or dismantled closer than 20 feet from any lot line, unless the operator has notarized written permission from the abutting property owner.

H. Dismantling of a vehicle must be performed in accordance with the following standards:

1. The battery must be removed.

2. Engine lubricant, transmission fluid, brake fluid and engine coolant must be drained into watertight, covered containers and must be recycled or disposed of in accordance with applicable federal or state laws, rules or regulations.

3. Fluids from a vehicle may not be permitted to flow or be discharged into or onto the ground.

4. The recycling operation must comply with all applicable federal or state laws related to hazardous materials.

4. Revocation or suspension of permit. For purposes of section 3758, subsection 3, each of the standards set forth in this section are conditions of a permit.

5. Relationship to automobile graveyard permit. A person who recycles automobiles but does not qualify for, or loses, an automobile recycling business permit may apply for an automobile graveyard permit.

Sec. 7. 30-A MRSA § 3756, as amended by PL 1989, c. 104, Pt. C § 8 and 10, is further amended to read:

§ 3756. Permit fees

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

1. Graveyard or junkyard more than 100 feet from highway. Fifty dollars for each permit for an automobile graveyard or junkyard located more than 100 feet from any highway, plus the cost of posting and publishing the notice under section 3754;

2. Graveyard or junkyard within 100 feet from highway. Two hundred dollars for each permit for an automobile graveyard or junkyard located within 100 feet from any highway, plus the cost of posting and publishing the notice under section 3754; and

3. Recycling business. Two hundred fifty dollars for a 5-year permit for an automobile recycling business plus the cost of posting and publishing the notice under section 3754.

Sec. 8. 30-A MRSA § 3758, sub-§ 3, as amended by PL 1989, d. 104, Pt. C, § 8 and 10, is further amended to read:

3. Revocation of suspension of permit. Violation of any condition, restriction or limitation inserted in a permit by the municipal officers or county commissioners is cause for revocation or suspension of the permit by the same
authority that issued the permit. No permit may be revoked or suspended without a hearing and notice to the owner or the operator of the automobile graveyard, automobile recycling business or junkyard. Notice of hearing must be sent to the owner or operator by registered mail at least 7 but not more than 14 days before the hearing. The notice must state the time and place of hearing and contain a statement describing the alleged violation of any conditions, restrictions or limitations inserted into the permit.
NORWAY RENTAL OCCUPANCY ORDINANCE

SECTION 1. TITLE AND AUTHORITY

This Ordinance, the Norway Rental Occupancy Ordinance, herein referred to as the Ordinance is adopted Pursuant to the town's Home Rule Authority as found in 30-A MRSA ss 3001, ET seq.

SECTION 2. PURPOSE

A. The purpose of this Ordinance is to protect the health and safety of renters and the public while in rental housing. It also gives landlords the tools to have the town Code Enforcement Officer, (CEO), inspect for safety concerns that may arise after a tenant takes possession of the dwelling unit, rental unit, or rooming house unit.

B. Rental housing must be in good repair, safe, and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvest in the community.
SECTION 3. SCOPE

A. Any property owner or designee seeking to rent/lease one or more dwelling units in one structure must first apply for an Occupancy Permit.

B. Any property owner or designee seeking to rent more than one rooming unit or living quarters must first apply for an Occupancy Permit. Homeowners sharing living costs with one or two roommates (inside the same dwelling unit) in a private residence (where the home owner resides) are not required to abide by this Ordinance.

C. Any property owner or designee seeking to rent to others a dwelling unit in a structure that has had outstanding local or state citations for electrical, plumbing, fire, or other safety violations in the preceding six (6) months must apply for an Occupancy Permit.

D. The provisions of this Ordinance apply to all rentals, rental agreements, and rooming units. Any change in occupancy in the kinds of rental situations described in this Ordinance that occur after the effective date of this Ordinance will be governed by the requirements of this Ordinance.

E. This Ordinance does not apply to hunting camps being used for recreational purposes. (see section 4 for definition)

F. This Ordinance does not apply to hotels, motels, or overnight cabins. (see section 4 for definition)

SECTION 4. DEFINITIONS

The following definitions shall apply unless the context clearly indicates another meaning. Common dictionary definitions shall apply to all other terms.

DWELLING: shall mean a building occupied either wholly or in part for residential purposes. It may include one or more dwelling unit(s).

DWELLING UNIT: shall mean one or more rooms arranged for the use of one or more individuals living together as one housekeeping unit with cooking, living, and sleeping facilities contained in the unit. Sanitary facilities may be included in the unit or shared with others.
ROOMING UNIT or LIVING QUARTERS: shall mean not more than two rooms forming a single habitable unit used or intended to be used for living and sleeping but not for cooking or eating purposes. Sanitary facilities may be included in the unit or shared with others. This facility is rented for one week or longer.

HOTELS, MOTELS, or OVERNIGHT CABINS: shall mean premises that are rented for overnight or several nights rather than weekly or longer.

RENTAL UNIT: shall mean any room or groups of rooms inhabited by a person or persons who pay some form of compensation to the owner of the structure or unit.

OCCUPANT(s): shall be a person(s) who live in a structure.

PRIMARY OCCUPANT: shall mean the person who pays rent directly to the owner or designee of the structure or unit.

OWNER: shall mean a person who holds recorded title to the property or any person having an equitable interest in the property. This also includes the owner’s designated manager.

NUISANCE: shall mean any source of filth or any condition which may cause injury to the occupants, adjacent property owners or the public.

HUNTING CAMP/SEASONAL COTTAGES: shall mean a building used only for summer residence or during hunting season, not designed for year-round use. These units cannot be rented during December, January, February, March, or April without an Occupancy Permit.

CEO: Code Enforcement Officer

SECTION 5. APPLICATION PROCESS

A. Only an owner or his/ her designee can apply for an Occupancy Permit.
   1. The designee must have documentation from owner stating he/ she can act on the owners behalf.

B. The applicant will fill out the application completely. (applicant info, type and number of units, signature and date.)
C. After the application process and the fees have been paid, the CEO must inspect the premises within fourteen (14) days.

D. Once the performance standards have been met, (see section 7), a "Certificate of Occupancy" will be issued. If the standards are not met, a letter stating the deficiencies with the expected time frame to correct the deficiencies will be mailed to the owner or designee. A "Temporary Certificate of Occupancy" may be issued depending on the severity of the deficiency. A Life Safety deficiency will be considered severe and must be corrected as soon as practical.

1. **Basis for Inspection:** Inspections will be made as applications are received, when there is a complaint about a unit or building or when requested by the owner or property manager.

2. Inspections will be made to maintain the compliance with the standards of this Ordinance, the Norway Building Code Ordinance, and the most recent version of the NFPA 101 Life Safety Code adopted by the State of Maine based upon one of the following:
   (a) A complaint received by town officials, local police, state agency, or the fire chief indicating that there is a violation of the standards or the provisions of any ordinance adopted by the town or the state law.
   (b) An observation by town officials, local police, state agency, or the fire chief of any violation of the standards or the provisions of any ordinance adopted by the town or any state law.
   (c) A report or observation of a rental unit that is unoccupied and unsecured or a dwelling that is damaged by fire.
   (d) The registration or reregistration of a rental unit as required by this Ordinance.
   (e) The need to determine compliance with a notice or an order issued by the town.
   (f) An emergency observed or reasonably believed to exist.
   (g) A request for an inspection by the owner or tenant.

E. Any applicant aggrieved by a decision or failure to act by the CEO has the right to appeal, in writing, to the Board of Selectmen within thirty (30) days.
SECTION 6. ALTERNATIVE INSPECTION METHOD

Housing projects subject to strict Federal HUD REAC inspections or other similar strict inspection standards may request a formal waiver of the Town inspections after providing a copy of the most recent passing inspection.

SECTION 7. PERFORMANCE STANDARDS

The following items are the standards on which the inspections will be based.

A. The dwelling is in good repair.
B. State Electrical codes are met.
C. State Plumbing codes are met.
D. The septic/ sewer system is adequate for the structures designed use as per septic system design.
E. All applicable Life Safety codes are met.
F. The dwelling does not contain any known health or safety hazards.
   Examples include, but are not limited to lead, exposed asbestos fibers, and or rodent or vermin infestation.
G. Heating systems standards are met.
H. Air quality standards are met.

SECTION 8. PERMIT EFFECTIVENESS

The Occupancy Permit will be good for a period of three (3) years. The following examples will require a new Occupancy Permit.

A. Expiration of existing Occupancy Permit.
B. The property is sold, conveyed, or otherwise transferred to a new owner.
C. If the dwelling Unit is not occupied for six or more consecutive months.

Section 9. ENFORCEMENT AND PENALTIES

Occupancy, as described in Section 3, without an Occupancy Permit shall be in violation of this Ordinance. In addition, violations of state and local plumbing codes, electrical codes, Life Safety codes, structural inadequacies, or the presence
of a nuisance may result in the revocation of the Occupancy Permit as well as further legal action, including condemnation, temporary restraining orders or injunctions to prevent rental of units in the building or occupancy of the building.

A. The CEO and the Norway Board of Selectmen shall enforce the Ordinance. The CEO shall have the power to revoke the Occupancy Permit or not validate the request for an Occupancy Permit for lack of safety standards.

B. Occupancy without a Permit.

1. If Occupancy occurs without the required Occupancy Permit, the owner or designee will be notified of the violation. Notification will be by telephone and by Certified mail. The owner or designee will be required to apply for the Occupancy Permit within ten (10) days. Notice will also be given to the tenants of the dwelling that the dwelling does not comply with the Norway Rental Occupancy Ordinance. The penalties will be as follows.
   (a) The Occupancy permit fee will be double the normal fee.
   (b) No General Assistance will be issued for the unit(s) until the dwelling has an Occupancy Permit.

2. Condemnation and other legal proceedings:
   If occupancy continues without the Occupancy Permit, the Board of Selectmen may initiate condemnation or other legal action, including seeking injunctions to prevent rental of units in the dwelling. In this event, the owner or designee will be liable for all legal fees, attorney fees, court and other costs, including interest and costs incurred by relocation of occupants.

SECTION 10. SEVERABILITY

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

SECTION 11. EFFECTIVE DATE

This Ordinance will become effective when enacted by the voters of the Town of Norway at a town meeting.

ADOPTED AT THE TOWN MEETING 1993
Town of Norway

Policy for the Disposition of Tax Acquired Property

(adopted September 1, 2011)

1. **Title:** This policy shall be known as the “Town of Norway Policy for the Disposition of Tax Acquired Property”.

2. **Authority:** This policy is enacted pursuant to Title 30A, #3001; and Title 36 #941-943 of the Maine Revised Statutes Annotated. Enactment of this policy shall also replace any and all previous policies.

3. **Purpose:** The purpose of this policy is to provide the select-board with guidance and rules to follow when deciding the appropriate disposition of tax acquired property. At least the following options will be considered in the best interest of the town.
   - Consider allowing the former owner to re-acquire the property as prescribed in section 7.
   - If an individual can prove that he or she is the sole heir in the case where the former owner is deceased, he or she may redeem the property under the same circumstance as the former owner.
   - The property may be retained for public use so long as the public benefit is clearly stated and a public hearing is held.
   - The property may be sold by public bid.

4. **Retention of Property:** The select-board may retain tax acquired property for the benefit of the town if the property is deemed in the best interest of the town to do so. The board may site the following or other reasons at a public hearing where retention of the property is considered.
   - Retention of the property if the intended use will be consistent with the town's comprehensive plan.
   - Retention of the property has or will have either an esthetic, recreational or economic benefit to the the town. Retention of the property to be used in the future for commercial and/or economic development is allowed by this policy.
   - The property to be retained will provide a current or future public facility or addition to a public facility.
   - Retention of the property will provide some other benefit to the town that the Select-board will state at the public hearing that is held prior to deciding to retain the property.
   - When making the decision to retain tax acquired property, the select-board will consider costs of doing so, including loss of tax revenue, cost of maintenance and insurance of the property and any other relevant impacts on the town.

5. **Redemption:** If the select-board determines that it is not in the town's best interest to retain a property under Section 4, the property may be redeemed to the taxpayer who lost the property. The former owner must pay the town the full amount for all years of all taxes, fees and interest that have been billed or have not been collected by the town as well as the estimated taxes for the year after April first but before the fall tax bill is mailed.
6. **Sale:** If a property is not retained under Section 4 or redeemed under Section 5, then the property shall be sold by public bid advertised at least two weeks in advance of the sale in at least the Advertiser Democrat and on the town's web page. The former owner of the tax acquired property shall be notified by certified mail and his or her last known address at the time the add is placed.

7. **Award of Bids:** In consideration of the award of the bid shall normally make the award to the highest bidder, but may consider other bids in the best interest of the town. When the highest bid is not successful, the select-board must indicate by majority why not. No award of any bid will be made to a select-board member or the town manager, tax collector or deputy tax collector, or the treasurer or deputy treasurer, or member of their immediate families. The select-board may set conditions of the sale that are in the best interest of the town so long as those conditions and the reasons for the conditions are clearly stated.
SEWER USE

ORDINANCE

TOWN OF

NORWAY, MAINE

DATE ADOPTED 11-17-2006
Article I  Purpose, Authority, Scope, and Intent  P. 03
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ARTICLE I

PURPOSE, AUTHORITY, SCOPE AND INTENT:

Sec. 1. This Ordinance shall be known and may be cited as the “Town of Norway sewer use Ordinance” and will be referred to herein as “this Ordinance.”

Sec. 2. The purpose of this Ordinance is to promote the health, comfort, public convenience and general welfare of the citizens of the Town of Norway by eliminating existing pollution, preventing further pollution and controlling the sewerage system through regulations and restrictions. This Ordinance shall restrict and regulate the accumulation, transportation, treatment and disposal of sewage in such a manner that the creation of any sewerage system, whether public or private, industrial or residential, shall not result in pollution, health or hazards or other nuisances for the citizens of the Town of Norway.

Sec. 3. This Ordinance contains the rules and regulations adopted by Municipal Officers to govern the Norway wastewater department under the authority granted in Title 30-A, M.R.S.A. 5410-5415, 3401-3409, 3421-3428 and 3442-3445 as amended; and in all other applicable state statutes. The board of selectmen, being the Municipal officers of the Town of Norway, shall have the authority granted under these provisions to administer, enforce, amend or repeal this Ordinance, or any clause or provision thereof; as may be necessary or desirable, in the judgment of the board of selectmen, for the efficient operation of any sewerage system.

Sec. 4. This Ordinance shall completely supersede all other sewer ordinances enacted by the town of Norway prior to the date of the enactment of this ordinance, which other ordinances are hereby repealed, except as otherwise noted herein. Hereafter any person owning any building or structure within the town of Norway which is the source of sewage or industrial waste or who proposes to erect such building or structure shall conform to the requirements of this ordinance.
ARTICLE II
DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

“BOD” (Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Celsius, expressed in milligrams per liter.

“Board of Selectmen.” The duly elected Board of Selectmen of the Town of Norway.

“Building.” Any structure arranged, designed, intended or used for the shelter, housing or enclosure of persons, animals, processes, equipment or property of any kind.

“Building Drain.” That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste and other drainage pipes inside walls of the building and conveys it to the building sewer. The building drain extends eight (8) feet outside the inner face of the building wall.

“Building Sewer” or “Building Connection.” The extension from the building drain to the public sewer or other place of disposal.

“Change of Use.” The changes from an existing use to another use, including without limitation, the addition of a new use to an existing use.

“Church.” A building or group of buildings arranged designed, intended or used for the conduct/ of religious services, and accessory uses associated therewith.

“Combined Sewer” A sewer intended to receive both wastewater and storm or surface water.

“Easement” Acquired legal right for the specific use of land owned by others.

“Floatable Oil.” Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floating oil if it is properly pretreated and the wastewater does not interfere with the collection system.
“Sewage.” A combination of the water-carried wastes from residences, business buildings, Institutions, and industrial establishments.

“Sewage Works.” Facilities for collecting, pumping, treating, and disposing of sewage.

“Sewer” A pipe or conduit for carrying sewage.

“Sewer Extension.” Any addition to the public sewers of the Town of Norway whether located in a public way or on private property and whether constructed at public or private expense. Provided that the term “sewer extension” shall not include building sewers and connections governed.

“Slug.” Any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than two (2) times the average twenty-four (24) hour concentration of flows during normal operation.

“Storm Drain” or ‘Storm Sewer.” A sewer, which carries storm and surface waters and drainage, exclusive of sewage and industrial wastes other than, unpolluted cooling water.

“Superintendent.” The Superintendent of the wastewater Control Facilities of the Town of Norway or his duly authorized deputy, agent, representative or inspector.

“Suspended Solids.” Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, which are removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Waste and Wastewater” published by the American Public Health Association and referred to as non-filterable residue.


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

‘Water Pollution Control Facility.” The arrangement of devices and structures used for treating sewage and sludge.
“Owner.” The person or persons, natural or corporate, in whom for the time being title is vested in real property situated in the town.

“Person.” Any individual, firm, company, association, society, corporation or group.

“PH.” The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

“Public Sewer.” common sewer in which all owners of abutting properties have equal rights and is controlled by public authority. The term “public sewer” shall include the Town of Norway Wastewater Treatment Plant and Public Sewer System.

“Pollutant” shall include but is not limited to dredged spoil, solid waste, junk, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment; rock, sand, dirt’, and industrial, municipal, domestic, commercial, or agricultural waste of any kind.

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

“Selectmen.” The duly elected members of the Town of Norway Board of Selectmen.

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

“Industrial Waste.” The liquid waste from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
ARTICLE III

USE OF PUBLIC SEWERS REQUIRED:

Sec. 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or other waste constituting a hazard to health. Exceptions may be granted by the Selectmen to owner or lessee acting in the normal course of farm or garden operations.

Sec. 2. It shall be unlawful for any person to discharge to any natural outlet in any area under the jurisdiction of the Town any sewage or other polluted water, except where suitable treatment has been provided in accordance with this Ordinance and/or any other applicable laws, rules or regulations.

Sec. 3. It shall be unlawful for any person to construct or use any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage, if at the time such person is required by Section 4 of this Article to connect toilet facilities in or on his property with a public sanitary sewer.

Sec. 4. Every building intended for human habitation, occupancy, employment, recreation or any other purpose situated within the Town shall be provided with suitable and sufficient sanitary facilities for the use of the occupants thereof. Said facilities in character, number and method of installation shall comply with all applicable laws rules and regulations including, but not limited to ordinances of the Town, health laws of the State of Maine and rules and regulations of the State Bureau of Health so far as the same are compatible and not inconsistent. In the event any such laws, rules, and regulations are inconsistent, the stricter provision(s) shall apply.

Sec. 5. The owner of any house, building or other structures used for human occupancy employment, recreation or other purpose, which is situated within the Town and on land that has frontage abutting street, alley or right-of-way containing a public sanitary sewer of the Town provided any part of the foundation thereof is within two hundred (200) feet of such public sanitary sewer, or is otherwise required by the State Plumbing Code for the State of Maine to do so, is hereby required at the property owner’s own expense to connect the suitable sanitary facilities as described in Section 4 above, directly with such public sanitary sewer in accordance with this Ordinance within ninety (90) days after date of official notice to do so. The requirement set forth in this section shall be subject to the availability of sewer capacity as determined by the Sewer Superintendent, or Selectmen, as the case may be according to the terms of this Ordinance.
ARTICLE IV
BUILDING SEWERS AND CONNECTIONS

Sec. 1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent. Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Superintendent at least thirty days (30) days prior to the proposed change or connection and shall comply with Maine Revised Statutes Annotated, Title 38, Chapter 3, Subchapter I, Subsection 361. As amended.

Sec. 2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form finished by the Superintendent. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee for residential or commercial building sewer permit shall be paid to the town at the time the application is filed.

Sec. 3. All cost and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Sec. 4. A separate and independent building sewer shall be provided for every building requiring a sewer connection, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. A deed restriction shall be placed on both properties stating that they have joint ownership in the sewer connection and will maintain it jointly; and the owners of both properties shall be jointly and severally liable for any cost or expense of installation and connection.

Sec. 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Ordinance. The owner shall pay for all cost for examination and testing.
Sec. 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to, be used in excavating, placing the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the buildings and plumbing code or other applicable rules and regulations of the Town.

Sec. 7. Whenever possible, the building sewer shall be brought from the building at an elevation above the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a grinder pump and discharged to the building sewer.

Sec. 8. No person shall connect any roof downspout, exterior foundation drain, area drain, or other source of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Superintendent for purposes of disposal of polluted surface drainage.

Sec. 9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code of other applicable rules and regulations the Town. The connection of the building sewer into the public sewer shall be made at the curb if provided, or at the “Y” branch if such branch is available at a suitable location. On direction of superintendent, where no “Y” branch is available, a neat hole shall be cut, by machine, into the public sewer to receive the building sewer, with entry in the downstream direction at an angle of forty-five (45) degrees with an approved saddle or clamp-type fitting. Such connection shall be completely watertight at the location specified by the Superintendent or his Designee (“The Inspector”) and shall be completed under the supervision and in the presence of the Inspector, and as directed by and to the satisfaction of the Inspector.

Sec. 10. The applicant for the building sewer permit shall notify the Superintendent twenty-four (24) hours before the building sewer is ready for inspection and connection to the public sewer. All inspections shall be performed during regular working hours. Any inspections requested after the regular working hours or on weekends will be assessed an additional inspection fee of one and one-half (1.5) times the Inspector’s normal rate and any other fees that may apply.

Sec. 11. All excavation for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and/or other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

Sec. 12. When any building or other structure previously served by a connection to any public sewer or drain is demolished, destroyed abandoned or altered so that any drain or portion of an abandoned plumbing system which is directly or indirectly connected to any public sewer drain is no longer used and is not connected to the drainage system of the building or structure, the open end of such which discharged, directly into a public sewer or drain shall be promptly closed and sealed to the satisfaction of the Superintendent, so that no water or wastes not otherwise permitted to enter the public sewer or drain shall be discharge therein. The Superintendent shall be notified of such abandonment or discontinuance, and of the closing and sealing of such drain.
ARTICLE V

USE OF PUBLIC SEWERS

Sec. 1. No person shall discharge or cause to be discharged any storm water, surface waters, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted commercial or industrial process waters to any public sanitary sewer.

Sec. 2. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm water sewers, or to a natural outlet approved by the Maine DEP and the Superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the Maine DEP and the Superintendent, to a storm sewer or natural outlet.

Sec. 3. No person shall discharge or cause to be discharged any of the following described waters or waste to any public sewers:

(A) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas, which will create a fire or explosive hazard in the wastewater facilities.

(B) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or in interaction with other wastes, to injure or interfere with any sewer treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(C) Any water or waste having a pH lower than 6.0, or greater than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(D) Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to ashes, sand, mud, straw, shavings, metal, glass, rags, bones, feathers, tar, plastics, wood, underground garbage, fibers, whole blood, paunch manure, hair and fleshing, paper, dishes, cups, milk containers, or other substances which are whole or ground by garbage grinders.

(E) Any waste or pollutants including oxygen-demanding pollutants (BOD, etc.) which released in quantities of flow or concentrations or both constitute a "slug:

(F) Any heated water or pollutants in amounts which will inhibit or interfere with biological activity in the wastewater treatment works but in no case heated water or pollutants in such quantities that the temperature at the wastewater treatment plant influent exceeds 140 degrees Fahrenheit (60 degrees Celsius); unless the wastewater treatment plant is designed to accommodate such heat.
Sec. 4. No person shall discharge or cause to be discharged the following described substances, materials, water, or waste if it appears likely in the opinion of the Superintendent that such waste may harm the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving streams, or may otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent shall consider such factors as the quantities of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of sewage treatment process, capacity of the wastewater treatment plant, degree of treat, ability of waste in the wastewater treatment plant, and other relevant factors.

Substances prohibited are:

(A) Any liquid or vapor having a temperature higher than one hundred four (140) degrees Fahrenheit (60 degrees Celsius).

(B) Wastewater containing petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin.

(C) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not.

(D) Garbage grinders are prohibited for the commercial users.

(E) Any water or waste containing strong acid, iron, pickling waste, or concentrated plating solutions, whether neutralized or not.

(F) Any waste or water containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or waste exerting an excessive chlorine residual to such a degree that any such material in the composite sewage at the wastewater treatment plant exceeds the limits established by the Superintendent for such materials.

(G) Any water or waste containing phenols or other taste or odor-producing substances, in such concentrations exceeding limit which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirement of the State, federal, or other public agencies having jurisdiction over such discharge to any receiving waters.

(H) Any radioactive waste or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

(I) Any water or waste having a pH in excess of 9.0

(J) Materials, which exert or cause:

(1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
(2) Excessive discoloration, such as, but not limited to, dye waste and vegetable tanning solutions.

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.

(4) Unusual volume of flow or concentration of wastes constituting as a slug.

(K) Waters or waste containing substances which are not amenable to proper treatment or reduction by the Towns wastewater treatment process, or which would result in impermissible levels of phosphates and nitrates being discharged in the wastewater treatment plant effluent.

(L) Steam exhausts, boiler blow offs, sediment traps, or pipes earning hot circulating water.

Sec. 5. If any water or wastes are discharged, or are proposed to be discharged to the public sewer, when such waters contain the substances or possess the characteristics enumerated, and which in the judgment of the Superintendent may have detrimental effect upon the sewage works, processes, equipment, or receiving water, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

(A) Reject the water:
(B) Require pretreatment to an acceptable condition for discharge to the public sewers.
(C) Require control over the quantities and rates of discharge; and/or
(D) Require payment to cover the cost of handling and treating the waste not covered by existing sewer charges.

When considering the above alternatives, the Superintendent shall give consideration to the economic impact of each alternative on the discharger. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the pretreatment or equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances, laws, and the municipal discharge permit.

Sec. 6. Grease, oil and sand interceptors shall be provided when in the opinion of the Superintendent, they are necessary for the proper handling of the liquid waste containing floatable grease or for any flammable waste, sand, other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type
And capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. All new construction, and the remodeling of any old construction shall conform to the requirements of the Maine State Plumbing Code and the State of Maine Subsurface Wastewater Disposal Rules for grease and oil interceptors.

In maintaining these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by the owner(s) or the owner's agent must be performed by currently licensed waste disposal firms.

Sec. 7. Where preliminary treatment or flow-equalizing facilities are provided for any water or wastes, the owner, at the owner's expenses shall maintain them continuously in satisfactory and effective operation.

Sec. 8. When required by the Superintendent, the owner of any property serviced by a building sewer carrying commercial, industrial waste shall install a suitable manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the waste. Such manhole, if required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

Sec. 9. The Superintendent may require a user of the sewer services to provide information needed to determine compliance with this Ordinance. These requirements may include:

(1) Description of wastewaters discharged, together with peak rate and volume over a specified time period.

(2) Chemical analyses of wastewaters.

(3) Information on raw materials, processes, and products affecting wastewater volume and quality.

(4) Quantity and disposition of specific liquid, sludge, oil, solvents, or other materials important to sewer use control.

(5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.

(6) Details of wastewater pretreatment facilities.

(7) Details of systems to prevent and control the losses of materials though spill to the municipal sewer.
Sec. 10. All measurements, tests, and analyses of the characteristics of water and pollutants to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association or other methods approved by the U.S. EPA and the Me. DEP, and shall be determined at the structure as required in or upon suitable samples taken at said structure. In the event that no special structure has been required, suitable samples shall be taken at the downstream manhole in the public sewer nearest to the point or origin. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater facilities and to determine the existence of any hazard to life, limb, or property.

(A) All industries discharging into a public sewer shall perform such monitoring of their discharges as the Superintendent and/or other duly authorized employees of the Town may reasonably require, including installation, use, and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Superintendent. The Superintendent shall make such records available upon request to other agencies having jurisdiction over discharges.

Sec. 11. The municipality shall develop, and the Superintendent shall enforce pretreatment regulations for existing and new sources of pollution that are discharging or proposed to be discharged into the municipally owned wastewater treatment facilities as set forth in Title 40, Chapter 1, Part 128 and Part 403 of the Final Rules of the United States Environmental Protection Agency.

Sec. 12. Nothing in this Article shall be construed to prevent any agreement between the Town and any industrial concern whereby industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern; provided that such agreements do not contravene any requirement of existing Federal or State laws and/or regulations, and are compatible with any User Charge and Industrial Cost Recovery System in effect.
ARTICLE VI

PROTECTION FROM DAMAGE

Sec. 1. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenances, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of criminal mischief as set forth in Maine Revised Statutes Annotated, Title 17-A, Chapter 33. Subsection 806 as amended as well as be subject to civil liability for reasonable costs to repair or replace the damaged structure or equipment including, without limitation, the Town’s reasonable costs and attorney’s fees.

ARTICLE VII

POWER AND AUTHORITY OF INSPECTORS

Sec. 1. The Superintendent, and other duly authorized representatives of the Town having proper credentials and identification, shall be permitted to enter all properties at all reasonable times upon reasonable notice for the purposes of inspection, observation, measurement, sampling, and testing in accordance with this Ordinance. The Superintendent and Town representative(s) shall have no authority to inquire about any commercial process, including metallurgical, chemical, oil, refining, ceramic, paper, or other process beyond that point having a direct bearing on the kind and source of discharge to the wastewater facilities. Such information shall be kept confidential upon the company’s establishing, to the satisfaction of the Superintendent, that the revelation to the public of the information in question might result in an advantage to competitors.

Sec. 2. The Superintendent and other duly authorized representatives of the Town having proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duty negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewerage works lying within said easement. All entry and subsequent work, if any, or property within said easement shall be done in full accordance with the terms of the negotiated easement pertaining to the private property involved.

Sec. 3. While performing the necessary work on private properties the Superintendent or authorized representative(s) of the town shall observe all the safety rules applicable to the premises established by the company. The Town shall hold the company harmless from any liability for injury or death to Town employees performing such work; and the Town shall indemnify & the company against loss or damage to the company’s property caused by Town employees and against liability claims for personal injury or property damage against the company arising out of any sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.
ARTICLE VIII

SEWER SERVICE CHARGE

Sec. 1. The source of a portion of the revenues for retiring debt service, capital expenditures, operation and maintenance of the public sewer system of the Town shall be a sewer service charge assigned to owners of property located within the limits of the Town whose property, residence, or place of business is capable of being tied into the sewer system pursuant to a portion of the funds collected pursuant to this Article shall be placed in a separate reserve fund for operation and maintenance, including replacement of public sewer system. The contribution to the reserve fund shall be determined by the Selectman on a year-to-year basis.

Sec. 2. Sewer service charge rates shall be determined by the Selectman on a year-to-year basis. The sewer service charge will be computed and billed at regular intervals though the calendar year, as established by the Selectman. In general, charges will be calculated on the following criteria:

(A) The total cost annually of operating and maintaining the sewer system will be from the water usage.

(B) Forty percent (40%) of the cost annually necessary to retire the debt service will be from the unit charges.

(C) The following schedule of unit charges:

| Minimum charge:                               | 1 Unit charge |
| Single Family Dwelling                        | 1 Unit charge |
| Multi-family Dwelling or condominium          | 1 Unit charge |
| Unit Per dwelling or condominium unit         | 1 Unit charge |
| 2 Hotel/ Motel rooms                          | 1 Unit charge |
| 2 Senior Citizen Housing Complex              | 1 Unit charge |
| Low income unit dwellings                     | 1 Unit charge |
| 2 Boarding home moms Rooms                    | 1 Unit charge |
| 3 Hospital Beds                               | 1 Unit charge |
| 2 Nursing Home Beds                           | 1 Unit charge |
| 15 Restaurant Seats                           | 1 Unit charge |
| 1 Laundromat Machines                         | 1 Unit charge |
Sec. 3. The sewer service charges assigned to any property owner who contributes a significant quantity of industrial waste to the public sewers, or who contributes a combination of sewage and industrial waste to the public sewer, shall be determined on a block rate structure based on water consumption. The property owners to be charged in this manner will be determined by the Selectmen on a year-to-year basis.

Sec. 4. A special sewer service charge shall be assigned to any commercial, industrial firm or organization who, by virtue of the volume, strength or unusual characteristics of their waste alone, would overload or upset the capacity or efficiency of the public sewer system or a part thereof if such waste entered the public sewer or whose waste disposal situation is such that it would be in the public interest to waive the requirements of Section 1.2, and 3 of this Article. The Selectman, after appropriate study and advice from the Superintendent, shall assign a special sewer service charge to such an entity by separate agreement with said entity. The applicable portions of the preceding section, as well as the equitable rights of the public, shall be the basis for such an arrangement.

Sec. 5. The Superintendent reserves the right, from time to time, to change sewer service charges originally or previously assigned to any property owner.

Sec. 6. Each sewer service charge levied pursuant to these rules and regulation is hereby made a lien on the premise. If said charge is not paid within thirty (30) days after it becomes due and payable, it shall be certified to the Town Manager who shall record notice of said lien with interest and penalties allowed by law in the Oxford, County Registry of Deeds.

Sec. 7. The charges and assessments levied pursuant to this Article shall be used consistently with the Clean Water Act, 33 U.S.C. § 1251 et seq., as amended, and all other applicable federal regulations.

Sec. 8. When a Sewer Connection Application is processed and a permit is issued, the owner of the property for which the application was issued will be billed for the units that were approved.
ARTICLE XIV

PENALTIES

Sec. 1. Any person found to be violating any provision of this Ordinance, shall be served by the Sewer Superintendent with written notice stating the nature of the failure or violation and providing a reasonable time limit for the satisfactory correction or cessation thereof. The offender shall within the period of time stated in such notice permanently cease or correct all such failures or violations.

Sec. 2. Any violation which continues beyond the time limit set forth in a written notice to cease or correct the violation shall constitute a civil violation punishable by a fine of not less than one hundred dollars ($100.00) nor more than $2,500 for each violation. Each day a violation continues shall be considered a separate offense. Fines, costs, and attorney’s fees may be recovered as provided under 30-A M.R.S.A. § 4452.

Sec. 3. Any person violating any of these rules and regulations shall become liable to the Town for any expense, loss or damage caused to the Town by reason of such violation, including but not limited to costs and reasonable attorneys’ fees to enforce this Ordinance.

Sec. 4. Notwithstanding any of the foregoing provisions, the Town may institute any appropriate action including injunction or other proceeding to prevent, restrain, or abate a violation hereof.

Sec. 5. No permit for expansion of an existing facility shall be issued if there are outstanding sewer permit or connection fees unless and until satisfactory arrangement for payment of the same has been made with the Board of Selectmen.
ARTICLE XV

APPEALS

Sec. 1. The Selectmen shall have the following powers and duties to be exercised only upon written appeal by a party aggrieved by a decision of the Superintendent, Plumbing Inspector and/or Town Health Officer, insofar as such decision arises from requirements of this Ordinance:

(A) To determine whether the decisions of these authorities are in conformity with the provisions of this Ordinance, and to interpret the meaning of this Ordinance in a case of uncertainty.

(B) To grant variances from the terms of this Ordinance where there is no substantial departure from the intent of this Ordinance and where necessary to avoid undue hardship. A projected expenditure of an amount exceeding fifteen (15) percent of the assessed value of the buildings on the land to be served by the public sewer shall be considered as prima facie evidence of undue hardship.

(C) To permit an exception to this Ordinance only when the terms of the exception have been specifically set forth in this Ordinance.

Sec. 2. The Selectman shall schedule a hearing on each appeal under this Ordinance within sixty (60) days of receipt of a completed application. At least ten (10) days prior to the hearing the Town Clerk shall cause to be advertised in a newspaper of general circulation in the Town a notice of such appeal identifying the property involved, the nature of the appeal and the starting time and place of the public hearing on the appeal. Owners of properties within two hundred (200) feet of the property for which the appeal is made shall be notified by mail. Failure of any such owner to receive this notice shall not invalidate the proceeding herein prescribed.

The Selectmen shall not continue a hearing on an appeal to a fixture date except for good cause or by agreement of the appellant. Upon conclusion of the hearing and a determination by the Selectmen, written notice of the Selectmen’s decision shall be sent forthwith to the appellant and to the municipal employee or officer concerned. Failure of the Selectmen to issue such notice within thirty (30) days of the date the hearing concludes shall constitute a denial of said appeal.

Sec. 3. The procedure for instituting an appeal shall be as follows:

(A) Any person including any municipal department head aggrieved by a decision of the Superintendent, the Town Health Officer, and/or the Plumbing Inspector, which decision arises from interpretation or application of this Ordinance, may appeal such decision to the Selectmen.
(B) Any such appeal must be filed with the Town Clerk within thirty (30) days of the date of the decision of the Superintendent, Health Officer, and/or Plumbing Inspector. Said appeal shall be filed upon forms to be approved by the Selectmen. The appellant shall set forth the grounds for appeal and shall refer to the specific provision of this Ordinance involved. Following the receipt of any appeal, the Town Clerk shall notify forthwith the employee or officer concerned and the Chairperson of the Board of Selectmen. The appellant shall pay to the Town Treasurer a fee of Twenty-five ($25.00) plus the cost of advertising and mailing notices.

(C) An aggrieved party may appeal any decision of the Selectmen to Superior Court as provided by the laws of the State of Maine.

Sec. 4. After a decision on an appeal has been made by the Selectmen, a new appeal of similar import shall not be entertained to the Selectmen until one year shall have elapsed from the date of said decision, except that the Selectmen may entertain a new appeal if the Chairperson determines that, owing to a mistake of law or misunderstanding of fact, an injustice was done, or if the Chairperson determines that a change has taken place in some essential aspect of the appeal.
ARTICLE XVI

EFFECTIVE DATE

Sec. 1. This Ordinance shall be in full force and effect upon adoption by the Selectmen.

Passed and adopted by the Selectmen of the Town of Norway, County of Oxford, State of Maine on the ______________ day of __________________ by the following votes:

Ayes __________________ Namely ___________________________.

Nays __________________ Namely ___________________________

Signed:

________________________________________

________________________________________

________________________________________

________________________________________

________________________________________

________________________________________

Clerk ____________________________
APPENDIX A

Wastewater permits Fees

The fees cover work performed in preconstruction and submittal review, onsite inspection of work performed and general administrative cost. The fees do not cover the cost of testing and materials.

<table>
<thead>
<tr>
<th>Permit type</th>
<th>Permit fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>A) Disconnect Building service at right of way.</td>
<td>$50.</td>
</tr>
<tr>
<td>B) Mainline taps. Connecting all building service to town sewer.</td>
<td>$500.</td>
</tr>
<tr>
<td>For single family dwelling only Fee includes saddle or Mechanical connection wyes.</td>
<td></td>
</tr>
<tr>
<td>C) Residential type, simplex, pump station</td>
<td>$100.</td>
</tr>
<tr>
<td>D) Duplex pump station</td>
<td>$350.</td>
</tr>
<tr>
<td>E) Force main installation, per 100 feet or less</td>
<td>$50.</td>
</tr>
<tr>
<td>F) Interior grease traps</td>
<td>$50.</td>
</tr>
<tr>
<td>G) Exterior grease, oil, sand separators</td>
<td>$100.</td>
</tr>
<tr>
<td>H) Manholes</td>
<td>$100.</td>
</tr>
<tr>
<td>I) Sewer mains, per 100 feet or less</td>
<td>$75.</td>
</tr>
</tbody>
</table>
APPENDIX B

Subtractive meters

How you can stop paying sewer fees for water that doesn't enter the sewer system:

The town of Norway wastewater allows the use of subtractive water meters to record water that dose not enter the towns sewer system. So water that is used for watering lawns, washing vehicles, and filling swimming pools can be subtracted from your sewer bill.

A water meter sold by the town can be installed in any lines that do not enter the sewer. The customer reads the meters once a year and the volume that went through the meter will be credited to your account.

What to do:

• Call the wastewater dept. @ 743-5304
• Schedule a pre-installation inspection
• Purchase a 5/8” meter from the wastewater dept at current pricing
• Have the meter installed in the agreed to location by your contractor.
• Then call for a post inspection certification.

How to get credit
Simply call in the meter reading with your account number every fall to 743-6651 ask for sewer billing. The amount recorded on the meter will be applied as a credit on your next sewer bill.

For swimming pools
The wastewater dept. has portable 5/8” meters at the town office for the filling of pools they must be picked up and returned back to the town office. The amount recorded on the meter will be applied as a credit on your next sewer bill.
APPENDIX C

Norway Sewer User Abatement Policy

Abatements forms are available at the town office. The board of selectmen shall consider abatements and a written decision shall be issued within thirty days of the application. All abatement granted shall not allow the minimum rate charge to be reduced below the set minimum rate.

Abatement request applications must be received within 30 calendar days of the billing date of the disputed bill.

**Wastewater which did not enter the sewer system**
Abatements of sewer use charges may be granted by the town of Norway upon application of a rate payer where the rate payer can demonstrate that a loss of water occurred due to no fault of the payer, his or her agents, or employees.

If, in the opinion of the superintendent, the wastewater did not enter the collection system, then the town will abate the difference between the current consumption value and the average of the last two year’s consumption for the same period.

**Wastewater which did enter the sewer system**
Abatements shall not be granted for water that enters the sewer system and is treated at the wastewater treatment plant.

The town recognizes that a high sewer bill resulting from an accidental, unpreventable water release can present financial hardship to a customer. While most water release is preventable, there are certain circumstances when an accidental water release cannot be reasonably prevented. If upon financial hardship the town may abate up to 50% of the consumption for water entering the sewer system.
SITE PLAN REVIEW
ORDINANCE

FOR THE
TOWN OF NORWAY
MAINE

Amended - September 19, 1996, June 19, 2006
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 Norway. Unplanned 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 Norway, to implement the Comprehensive Plan to insure an orderly growth of the Town and to minimize the negative effects of that growth when caused by development.

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 Title 30-A M.R.S.A. Section 4352.

2. This Ordinance shall be known as the “Site Plan Review Ordinance” of the Town of Norway, Maine, adopted and effective by vote of the Town Meeting on June 6, 1978.

B. Administration

1. The Planning Board of the Town of Norway and the Code Enforcement Officer shall administer this Ordinance.

2. No building permit or plumbing permit or certificate of occupancy shall be issued by the municipal officers or Code Enforcement Officer for any use or development within the scope of this Ordinance until a Site Plan of Development Application has been reviewed and acted upon 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. 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 after
public hearing. This application fee shall be made by check payable to the Town of Norway 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 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 Board before the final plan is approved.

SECTION III APPLICABILITY

A. This Ordinance shall apply to:

1. All development proposals for new, or substantial enlargements (an expansion by either 2,500 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. Construction of two or more dwelling units in one building or the division of an existing structure into two or more dwelling units.

3. Campgrounds.

4. “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.

5. Home Occupations when determined by the Planning Board that Site Plan Review is required.

6. All advertising features and signs to be replaced or installed in the town.

B. This Ordinance does not apply to:

1. Construction of detached single family dwellings, and multi-family dwellings that are considered a subdivision according to state law.

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.
SECTION IV APPLICATION PROCEDURE

A. Pre-Application Meeting

1. Prior to submitting an application for development, the developer or authorized agent should appear informally at a regular or special meeting of the Planning Board to discuss the proposed development.

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 an outline of the proposed development and may be a freehand 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 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, what is possible, and what is acceptable. The Planning Board may provide guidance to the applicant on what is required by the ordinance, information that they will need in order to review the application, the contour interval to be used, and submittal items that may be waived.

5. During the pre-application process, the Planning Board may waive submittal items after discussion, but with no formal documentation, when the submittal of such information would not be applicable to the development or would be of such nature as to be unnecessary to insure that the standards and criteria of this ordinance will be met. This process would most often be used for changes of use or construction of relatively small projects.

6. The Board will also make a determination whether a Change In Use requires Site Plan Review and whether Home Occupations require Site Plan Review.

B. The Site Plan of Development Application shall contain at least the following maps, exhibits and information, unless otherwise waived by the Planning Board.

1. A site map or maps (also called a site plan) prepared at a scale of not less than one (1) inch to fifty (50) feet, or smaller scale as determined by the Planning Board, including the following information:

   a. name and address of the applicant or authorized agent, and name of proposed development.

   b. tax map and lot numbers and names of abutting landowners

   c. 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; it is also recommended that the plan contain the latitude and longitude coordinates of the intersection of one property line with an existing street; the coordinates to be obtained by GPS and accurate to within one meter;

d. existing and proposed locations and dimensions of any utility lines, sewer lines, water lines, easements, drainage ways and public or private rights-of-way;

e. existing and proposed location, ground floor area, and elevations of buildings, common facilities, and other structures on the site and parcels abutting the site;

f. location of soil test pits and proposed subsurface waste disposal systems if applicable.

g. location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of entrances and exits, curb and sidewalk lines, and other improvements. Also typical cross-section of proposed streets, parking areas and other improvements; profile of streets, sidewalks, drainage ways, and other linear features may also be required.

h. landscape plan showing location, type, and approximate size of plantings and location and dimensions of all fencing and screening;

i. existing and proposed topography indicating contours at intervals of either 2, 5 or 10 feet in elevation as specified by the Planning Board;

j. location of aquifers, aquifer recharge areas, and wellhead protection areas, if a boundary intersects the site.

k. the location of Wetlands on or adjacent to the site,

l. the location and elevation of the 100-year flood plain if a boundary intersects the site;

m. 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; and if the boundary intersects the site, the boundary shall be shown on the plan.

n. the size and location and type of proposed signs and exterior lighting.

2. Exhibits showing the following information with an outline of the site shown on each. Exhibits may be copies of small scale maps of existing information where applicable. Alternatively, information may be shown on the site map or maps.

a. An NRCS medium intensity soil survey or soil conditions mapped and/or described by either a soil scientist, geologist, or qualified engineer. The Board may specify the intensity of the soil survey needed and require on-site soils information to be shown on the site map.
b. If the site is not to be served by public sewer, then an on-site soils investigation report needs to be submitted by a Department of Human Services licensed site-evaluator. The report shall contain the types of soil, and proposed location and design of the best practical subsurface disposal system(s) for the site. The location of test pits and proposed location of disposal systems shall be shown on the site map.

c. A copy of the municipal tax map showing the area of the development and the map and lot numbers for all lots within five hundred (500) feet of the development, and showing and stating any interest the applicant has in any parcels within 500 feet.

d. Location of aquifer, aquifer recharge and wellhead protection areas (maps available from town, water district, and GIS layer of aquifers at the Maine Office of Geographic Information Systems web site);

e. Wetlands, significant wildlife habitat, and scenic views or viewsheds as identified in the Comprehensive Plan within one thousand (1,000) feet of the parcel (maps available from town);

f. The location and elevation of the 100-year flood plain (maps available from town);

g. Location and description of any historic or archaeological sites (see Comprehensive Plan) or Archaeological Resource Potential Areas (contact the Maine Historic Preservation Commission) within one thousand (1,000) feet of the development and a description of methods to be used to mitigate impacts from the development on those resources.

3. A written, narrative statement or information on the application form and appropriate documents to provide the following information.

a. Evidence by the applicant of title and interest in the land on which the development is proposed;

b. A description of the proposed uses to be located on the site including: quantity type and size of structures, products to be manufactured, description of and volume of by-products and wastes, products to be warehoused, products to be sold or services to be offered, number of patrons served on a daily basis and during peak hours, and the types of other activity expected on the site.

c. Total floor area and ground coverage of each proposed building and structure; driveways, roads, parking areas and other impervious areas and percentages of lot covered by each and total impervious area;

d. A copy of the existing and/or proposed easements, restrictions and covenants placed on the property;
e. Method of solid waste, universal waste and hazardous waste disposal for waste generated during construction and after site completion;

f. Erosion and sedimentation control plan providing information on controls used during construction and upon completion of the site development;

g. Stormwater management plan providing calculations of existing and proposed peak runoff flows for the 2, 10, and 25 year storm events and calculations to support the design and size of the drainage system and its components.

h. 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;

i. An estimate of the development cost and a 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;

j. List of applicable local, state, and federal ordinances, statutes, laws, codes, and regulations which must be complied with and the permits needed.

k. The applicant's evaluation of the availability and suitability of off-site public facilities including sewer, water, streets, sidewalks, and parking, if applicable;

l. A statement from the Fire Chief as to the availability of fire hydrants and/or fire ponds or provisions for fire protection services;

m. If public water and/or sewer are to be used, a statement from the water district and sewer department, as applicable, as to the availability and adequacy of the public water and/or sewer system(s);

n. A statement from the Road Commissioner that the proposed road or street construction will meet town specifications and the potential impact that the development will have on existing streets, roads, and drainage systems;

o. An estimate of the date when construction will start and when the development will be completed;

p. A description of the proposed uses to be located on the site including: quantity and type of structures, products to be manufactured, description of and volume of by-products and wastes, products to be warehoused, products sold or services offered, number of patrons served on a daily basis, types of activity expected on the site, and other items as may be necessary.

q. Traffic data to include the following:

   1. the estimated peak hour and average daily traffic to be generated;
2. existing traffic counts on surrounding roads;
3. traffic accident data covering the most recent three-year period for which such data is available on surrounding roads.

r. The size, location, and direction and intensity of illumination of all outdoor lighting apparatus;
s. The type, size, description and location of all machinery, equipment, operations, or activity likely to generate appreciable noise;
t. If located in the direct watershed of a great pond, a phosphorous control plan prepared in accordance with DEP guidelines for Phosphorus Control in Lake Watersheds.

C. Application

1. The application shall be filed with the Planning Board for review. Within thirty (30) days of filing of an application, the Planning Board shall notify the applicant in writing either that the application is complete or, if the application is incomplete, the specific additional material needed to make a complete application. After the Planning Board has determined that an application is complete, it shall notify the applicant in writing and begin its review of the proposed development.

2. 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).

3. Within thirty (30) days of the public hearing or sixty (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. The time period will be extended when the Planning Board requests additional information that requires the applicant time to prepare and submit.

4. 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.

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 judgment of the Planning Board the development does not 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 and insure that the proposed development
conforms to this ordinance, Norway’s Building Code and other applicable ordinances.

1. Preserve and Enhance the Landscape:

   a. Downtown/Gateways:
      Development will preserve the historic integrity of the downtown. Development in Gateway areas will be compatible with that of the historic buildings in the Downtown in order to create an aesthetic integrity between the Gateways and the Downtown.

      Development shall be landscaped to create green space, separate buildings where appropriate, separate buildings from the street where appropriate, soften building features, offer shade, and hide or soften sides of buildings, storage and parking areas. Existing large trees shall be preserved to the extent possible. This is particularly true of trees along street lines and side and rear lot lines and other areas that do not have to be disturbed for structures, drives and parking areas.

      Wherever possible and appropriate, new construction or renovation will provide for the planting of large (3 to 4 inch diameter) trees that will grow to be shade trees over time.

      Neither landscaping elements or signs shall block the visibility of travel ways including driveway access points and interior parking facilities.

   b. Other Areas:
      The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree removal and disturbance of soil and retaining existing vegetation, topography, and drainage ways. Development that respects the natural features of the land will retain the rural character and help maintain water quality and preserve wildlife.

      Development shall use the natural features including natural vegetation to the extent possible to define and soften building and other elements and screen the appearance of off-street parking areas, mechanical systems, and storage 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 surface waters, wetlands, and significant wildlife habitat, should be preserved and protected from encroachment that would disturb them or reduce their value. Natural buffers shall be preserved adjacent to such features. The width of the buffer shall be based on the type and importance of the resource, and the slope of the land and topography. A natural buffer of seventy-five (75) feet shall be maintained along all perennial streams.

2. Relationship of the Proposed Buildings to the Environment:
   Structures shall be related harmoniously to the terrain and to existing buildings in the vicinity. The structures shall have minimal adverse affect on the environment and the aesthetic qualities of the natural environment and the developed and neighboring areas.
a. Downtown/Gateway:
New or substantially rehabilitated buildings should be in keeping with the character of the downtown or area in which they are located. A variety of building types is encouraged, but buildings should be well designed and not be flat roofed boxes with no architectural elements. In the historic district, building design should complement historic buildings. Siding and the design of architectural and functional elements should be in keeping with existing structures.

b. Other areas:
(1) A variety of building types is encouraged, but buildings should be well designed and not be flat roofed boxes with no architectural elements. Buildings shall be designed to compliment the natural or structural environment in the neighborhood in which it is located.

(2). Buildings shall have good scale and design elements and be in harmonious conformance with the environment and neighboring development.

(3). Mechanical equipment, waste handling storage and equipment, and other utility hardware on the ground or buildings shall be screened from public view and neighboring residential uses with landscaping or materials harmonious with the building and site, or they shall be located so visibility from any public way or neighboring residential use is minimized.

3. Vehicular and Pedestrian Access: The site layout shall provide for safe entrances and exists 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 and accident rates. The site layout shall also provide for pedestrian ways on adjacent public ways as applicable and within the development. Pedestrian ways and movement patterns shall be appropriate to the type and scale of the development. For the purposes of this section, the term “driveway” may be substituted for access and egress points.

a. Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development.

b. Any exit driveway or driveway lane shall provide the following minimum sight distances in each direction. The measurement shall be from the driver’s seat of an exiting vehicle standing between ten (10) and fifteen (15) feet behind the curb line or edge of shoulder with the height of eye at 3.5 feet to the top of an object 4.25 feet above the pavement.

<table>
<thead>
<tr>
<th>Posted Speed Limit</th>
<th>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>
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</tr>
<tr>
<td>40 mph</td>
<td>400'</td>
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<tr>
<td>45 mph</td>
<td>450'</td>
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<tr>
<td>50 mph</td>
<td>500'</td>
</tr>
<tr>
<td>55 mph</td>
<td>550'</td>
</tr>
</tbody>
</table>

Where truck traffic is expected to be substantial, the minimum site distance
shall be increased by fifty (50) percent of that required in the table above. Height of eye should be six (6) feet with the height of the object no more than 4.25 feet above the pavement.

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 may be provided herein.

d. The grade of any exit driveway or proposed street for a distance of at least seventy-five (75) feet from its intersection with any existing street shall be a maximum of three (3) percent and all streets and driveways shall be approximately perpendicular to the street with which they intersect.

e. Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot shall be provided from the street where there is less potential for traffic congestion and for traffic and pedestrian hazards. Access from the other streets may be allowed if it is safe and does not promote shortcutting through the site.

f. Access ways shall be designed and have sufficient capacity to avoid queuing of entering vehicles on any existing or proposed street.

g. The following criteria shall be used to limit the number of driveways or egress points serving a proposed project. The Planning Board may allow for variation from these criteria when the type and/or nature of traffic and vehicles require it or when conflicts with the MDOT Access Management Standards exist. Requests for variations shall be documented as appropriate by a Professional Engineer Licensed in the State of Maine. This shall not prevent the Planning Board from requiring the use of standards in this ordinance when they are more stringent than the MDOT standards.

(1) No use which generates less than one-hundred (100) trips per day shall have more than one (1) two-way driveway onto a roadway. Such driveway shall be no greater than thirty (30) feet wide.

(2) No use which generates one-hundred (100) or more vehicle trips per day shall have more than two (2) points of egress to a single roadway. The combined width of all access ways shall not exceed sixty (60) feet. For entrances handling more than thirty percent (30%) truck or large vehicle traffic, a single egress point may be up to forty-two (42) feet wide with the remaining entrance up to thirty (30) feet wide.

h. Private entrances/exits shall be located at least one hundred (100) feet from the closest unsignalized intersection and one-hundred fifty (150) feet from the closest signalized intersection. This requirement may be reduced if the shape of the site does not allow conformance with this standard.

i. Pedestrian Circulation and Movement: The development shall provide a system
of pedestrian ways within the development that is appropriate to the scope and scale of the development and that expected on adjacent properties. The pedestrian amenities shall provide for safe movement of pedestrians to and from parking areas, public sidewalks, and adjacent development if appropriate. The developer may construct or improve sidewalks or other pedestrian amenities on public right-of-ways as part of fulfilling this requirement. Work in public right-of-ways shall be coordinated with the Road Commissioner.

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 parking areas.

   b. A use shall not be extended and no structure shall be constructed or enlarged unless sufficient off-street parking space to accommodate the parking demand for employees and customers and business needs is provided. Parking shall conform to the following:

      (1) All parking areas, except parking for residential uses containing three or fewer units in the village area, shall be arranged so that it is not necessary for vehicles to back into the street. All parking areas on Main St. shall be arranged so that it is not necessary to back onto Main St.

      (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 marking parking spaces may be drawn at various angles in relation to curbs and aisles, as long as the parking spaces so created contain within them the rectangle required by this section. Parking areas containing space for over ten vehicles and serving residential or commercial activities and all parking areas where parking will not be perpendicular to travel ways shall be clearly marked by line painting or other means.

         (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 compact cars only.
(5) Off-street parking shall be provided to conform with the number required in the following table. The Planning Board may require any fraction of a space to constitute the need for a full space.

<table>
<thead>
<tr>
<th>Category</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>New dwelling unit</td>
<td>1.5 spaces</td>
</tr>
<tr>
<td>Small Retail - specialty</td>
<td>0.3 per 100 sq. ft. gross floor area</td>
</tr>
<tr>
<td>Large Retail/Shopping Center</td>
<td>0.5 per 100 sq. ft. gross floor area</td>
</tr>
<tr>
<td>Office</td>
<td>0.4 per 100 sq. ft. gross floor area</td>
</tr>
<tr>
<td>Wholesale/warehouse</td>
<td>0.5 per 1000 sq. ft. gross floor area</td>
</tr>
<tr>
<td>Industrial/Manufacturing</td>
<td>1.1 per employee on maximum working shift</td>
</tr>
<tr>
<td>Hotels, motels, tourist homes</td>
<td>one per room plus ½ per employee</td>
</tr>
<tr>
<td>Hospitals</td>
<td>2.5 per bed</td>
</tr>
<tr>
<td>Nursing/convalescent homes</td>
<td>0.3 per bed</td>
</tr>
<tr>
<td>Schools</td>
<td></td>
</tr>
<tr>
<td>Elementary</td>
<td>1.0 per classroom</td>
</tr>
<tr>
<td>Secondary</td>
<td>5 per classroom</td>
</tr>
<tr>
<td>Theaters/auditoria/churches</td>
<td>1.0 per five seats plus 1.0 per 100 sq. ft. of assembly area</td>
</tr>
<tr>
<td>Eating and drinking establishments</td>
<td>1.0 per three seats</td>
</tr>
</tbody>
</table>

For those uses not specifically listed or able to be placed into one of the above categories, the applicant shall provide evidence indicating the number of spaces that will be adequate to provide off-street parking for all activities.

The Planning Board may change the number of spaces or establish the number of spaces for uses not listed upon the submittal of information that indicates the number of spaces needed for the type of use. Information should be submitted based on similar existing uses in the area or based on the Institute of Transportation Engineers (ITE) Transportation Planning Handbook or other standard publications by ITE.

(6) Parking facilities for lots in the downtown and gateway areas which, in the interest of creating and maintaining a vital business community and which cannot provide their own parking because of location, lot size or other existing development, may be provided by the Town of Norway, private parking resources or some combination thereof. Such public or private
off-street parking shall be located within five hundred (500) feet of the principal building or use as measured along lines of public access or be located such that a rearrangement of the use of the new and existing spaces would result in an adequate number of spaces for all businesses using such public/private parking arrangements. On-street parking may be allowed for small uses in the downtown that are adjacent to on-street parking spaces.

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 another form that assures continued availability for parking for the development.

(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 the 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 parking requirements of this section. However, any change in the use, expansion of use, or any renovation which increases the floor area shall be required to comply with the parking requirements for changed or expanded use.

5. Stormwater Management: Adequate provision shall be made for surface drainage so that handling of surface waters will not significantly change the quantity or quality of stormwater runoff, unnecessarily alter existing drainage patterns, or adversely affect neighboring properties, or the public storm drainage system. The stormwater from the development shall not degrade downstream water quality or cause soil erosion on the site or on downstream or neighboring property. Whenever possible, on-site absorption of run-off waters shall be used such that stormwater flow on and from the site approximates existing flows for 2, 10, and 25 year storms.

a. All construction shall be designed to minimize storm water runoff from the site in excess of the natural pre-development conditions. Stormwater management systems shall maintain the natural drainage characteristics to the extent feasible; existing natural runoff control features, such as berms, brooks, streams, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters. The use of constructed natural type features is preferred over engineered structures for the control of stormwater quantity or quality where existing natural features must be supplemented to obtain the necessary results.

b. There shall be no significant change in the quantity of stormwater. Particular attention shall be given to insure that downstream properties and infrastructure, natural channels, and natural resources are not adversely impacted. Likewise, the quantity of runoff shall not be reduced to the point that recharge of groundwater, wetlands, and downstream water bodies, and the natural environment is adversely
impacted.

c. 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.

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

6. Signs and Advertising Features: The size, location, design, lighting, and materials of all exterior signs and outdoor advertising structures or features shall compliment the design of proposed buildings and structures and surrounding properties and shall not interfere with or obstruct pedestrian or vehicular traffic. First time signs and signs that replace existing signs shall comply with Section VII.4.

7. Special Features of the Development: Storage areas, exterior machinery and equipment, including waste handling equipment, service areas, truck loading areas, utility buildings, and similar equipment and structures shall have sufficient setbacks and screening to provide an audio and visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

8. Exterior Lighting: All exterior lighting shall be designed to provide for the safety of pedestrian and vehicular traffic and provide for the security of the site and surrounding area. Lighting shall not adversely impact surrounding properties or public or private ways by creating glare or increasing the amount of ambient light. Lighting will be designed to direct light to the features of the development that requires lighting and shall not direct light skyward or in the direction of neighboring properties.

9. 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.

10. Existing Utilities: The development shall not impose an unreasonable burden on sewers, storm drains, water lines, water supply or other public utilities such that the utilities will not function as designed or intended. The development will not cause sewers to overflow or back up, the treatment facility to exceed its capacity or discharge license, stormdrains and the road drainage system, including ditches and culverts, to be overloaded such that ditches, culverts or roads may be washed out or eroded to a greater extent than currently occurs, water lines and storage facilities to be stressed so that adequate fire flows cannot be provided to existing development or the proposed development, or the water supply to be stressed so that adequate reserve is not available for firefighting and for extended drought conditions.

11. Municipal Services: The development will not have an unreasonable adverse impact on the municipal services including, but not limited to, municipal road systems, fire department, police department, solid waste program, sewage treatment plan, schools, open spaces, recreational programs and facilities. Either the scope of development
shall be limited to a size that can be adequately serviced by municipal services at the
time it is built, or the developer shall provide funds for such additional capital
facilities and equipment that is needed to adequately provide services to the
development.

12. Surface Waters: Development shall not adversely impact surface waters including
brooks, streams, wetlands, vernal pools, rivers and lakes. Such areas are important to
the character and environment of the town and the health, safety and welfare of its
residents and as such, their natural functions including their use as wildlife habitat
should be protected. No discharge, spill, leak or activity shall adversely alter the
quality of surface waters including wetlands unless such discharge is licensed by the
Maine Department of Environmental Protection. Alteration means changes to the
chemical or physical characteristics or the water including, but not limited to, organic
matter as measured by its biological or chemical oxygen demand, suspended solids,
turbidity, temperature, odor, foam, color, or taste.

The development shall not appreciably change the flow or hydrologic function of
surface waters including the level of vernal pools, wetlands, ponds and lakes by either
increasing or decreasing flows or levels such that the waters would not support their
current uses, their wildlife habitat function, or their hydrologic function in relation to
groundwater and other surface water bodies.

Features important to the protection of surface waters and the welfare of residents
include flood plains, the soils and geology, the topography; the presence of aquifers
and aquifer recharge areas; and the location of lakes, rivers, streams, wetlands, and
drainage swales.

a. General:

(1) Stormwater: The quantity and quality of stormwater runoff shall be
controlled so that surface waters are not adversely impacted.

(2) Erosion and Sedimentation: Erosion during and after construction of the
development shall be controlled so erosion on site and downslope or downstream
of the development is minimized by using recognized Best Management Practices
for the control of both stormwater and erosion. There shall be no sedimentation
on downslope land or in downstream water bodies.

(3) Waste disposal practices and the storage of materials and/or wastes shall be
done in such a manner to prevent pollution from leaving the site or from entering
surface waters on or adjacent to the site.

b. Phosphorus Export to Lakes. Projects proposed within the direct watershed of a
lake or pond shall be designed to limit phosphorous run-off to the levels defined
below or to levels determined by an updating of the relevant information by the
Maine Department of Environmental Protection. The Board shall keep an accurate
record of permits issued, by watershed, using an appropriate record keeping system
and shall review actual development rates and recommend adjustments to the table
at five-year intervals.
### Water Body Phosphorus Load Allowable Export Per Acre

<table>
<thead>
<tr>
<th>Water Body</th>
<th>Level</th>
<th>Phosphorus Load</th>
<th>Allowable Export Per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Medium</td>
<td>7.36</td>
<td>0.05</td>
</tr>
<tr>
<td>Pennessewassee</td>
<td>Medium</td>
<td>97.7</td>
<td>0.05</td>
</tr>
<tr>
<td>Sand</td>
<td>Medium</td>
<td>8.51</td>
<td>0.10</td>
</tr>
<tr>
<td>Mud</td>
<td>Medium</td>
<td>3.04</td>
<td>0.06</td>
</tr>
<tr>
<td>Round</td>
<td>Medium</td>
<td>1.14</td>
<td>0.06</td>
</tr>
<tr>
<td>Thompson</td>
<td>Medium</td>
<td>47.12</td>
<td>0.08</td>
</tr>
<tr>
<td>Sebago</td>
<td>High</td>
<td>152.32</td>
<td>0.21</td>
</tr>
<tr>
<td>Hobbs/Little Penn</td>
<td>Medium</td>
<td>8.02</td>
<td>0.05</td>
</tr>
<tr>
<td>Furlong</td>
<td>Medium</td>
<td>0.26</td>
<td>0.09</td>
</tr>
<tr>
<td>Speck 1 (south)</td>
<td>Medium</td>
<td>0.39</td>
<td>0.11</td>
</tr>
<tr>
<td>Speck 2 (north)</td>
<td>Medium</td>
<td>0.72</td>
<td>0.11</td>
</tr>
<tr>
<td>Little</td>
<td>Medium</td>
<td>0.02</td>
<td>0.05</td>
</tr>
</tbody>
</table>

### Old Table

<table>
<thead>
<tr>
<th>Water Body</th>
<th>Lake Protection Level</th>
<th>Phosphorus Loads</th>
<th>Allowable Export Per Acre (lbs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Penn</td>
<td>Med.</td>
<td>8.01</td>
<td>.04</td>
</tr>
<tr>
<td>North</td>
<td>Med.</td>
<td>7.35</td>
<td>.06</td>
</tr>
<tr>
<td>Penn</td>
<td>Med.</td>
<td>103.93</td>
<td>.06</td>
</tr>
<tr>
<td>Sand</td>
<td>Med.</td>
<td>8.49</td>
<td>.05</td>
</tr>
<tr>
<td>Mud</td>
<td>Med.</td>
<td>3.04</td>
<td>.04</td>
</tr>
<tr>
<td>Round</td>
<td>Med.</td>
<td>1.14</td>
<td>.08</td>
</tr>
<tr>
<td>Thompson</td>
<td>High</td>
<td>71.66</td>
<td>.23</td>
</tr>
<tr>
<td>Sebago</td>
<td>High</td>
<td>78.41</td>
<td>.10</td>
</tr>
</tbody>
</table>

1. Calculations and the design of phosphorus control measures shall be based on the procedures defined in “Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development” by the Maine Department of Environmental Protection, September 1989 with revisions in 1992 and as may be revised. Copies of all worksheets and calculations shall be provided to the Planning Board.

2. In controlling phosphorus, on lot, low maintenance control methods shall be used to the greatest extent practicable. Such measures include vegetative buffers, limits of clearing, and minimizing road lengths and amount of impermeable surfaces. These and other non-structural measures shall be used prior to the use of structural measures. When using structural measures, measures should be used as near to the site of the phosphorus generation as possible so that high-maintenance structural measures such as infiltration systems
13. Groundwater and Aquifer Protection: Development occurring on a mapped sand and gravel aquifer and development having the potential to adversely impact groundwater quality by virtue of water withdrawals, amount of impervious area, the type of operations, storage of materials, production or storage of wastes shall use recognized Best Management Practices to reduce the threat the greatest extent possible. The development shall not significantly impact the quantity of groundwater available.

a. The boundaries of the development shall be delineated on the Sand and Gravel Aquifer Map provided as part of the Comprehensive Plan or the most recent information available in GIS format from the Maine Office of Geographic Information Systems.

When boundaries of the sand and gravel aquifer are disputed due to the lack of sufficient detail on the available maps, the applicant 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.

b. 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. The Board may request a nitrogen concentration study of the area and downslope areas for development that would produce large quantities of domestic type sewage.

c. 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 ten (10) percent of the volume of the containers or one hundred ten (110) percent of the volume of the largest container, whichever is larger.

d. Petroleum and other hazardous material storage and transfer. A Spill Control and Countermeasure Plan (SPCC) shall be submitted and approved by the Planning Board. The SPCC shall provide detailed information on how spills and leaks will be prevented and how they will be controlled and cleaned up should they occur. The SPCC will also contain information on employee training to insure that the contents of the plan are familiar to all employees.

e. The development shall not substantially reduce the groundwater recharge in the area due to the amount of impervious surface, changes to the surface water hydrology, or other features of the development; neither shall the development withdraw groundwater in quantities that would reduce the amount of water available off-site for existing or expected uses in the vicinity of the area.

f. In those areas identified as sand and gravel aquifers as defined in subsection B 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/slaughtering 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

14. Air pollution: The development will not cause significant air pollution that could be a detriment to the health and welfare of residents or create a nuisance from dust, soot, or other material or chemical created by use of the development. The applicant shall comply with all federal and state air quality laws and regulations, and shall furnish evidence of compliance to the Board.

15. Sufficient water: The development shall have sufficient water available for the reasonably foreseeable needs of the development, and the development will not cause an unreasonable burden on an existing water supply, if one is to be utilized.
   
   a. Sufficient water shall be available to meet all drinking water, cleaning, and process water needs of the development. Additionally, the development shall provide adequate water for firefighting purposes or shall provide an alternative means of fire suppression.

   b. Water use by the development will not reduce the ability of the system to provide water to existing customers or to provide adequate firefighting flows throughout the system.

16. Soil Erosion and hydrologic capacity: The development will not cause unreasonable soil erosion on- or off-site or reduce the capacity of the land to hold water so that fish and wildlife habitat are adversely impacted, stream channels, other surface waters and wetlands are changed, or additional flooding or destruction of downstream property occurs. Soil erosion shall follow recognized Best Management Practices (see Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices, March 1991).
17. Sewage Disposal: The development will provide for adequate sewage waste disposal whether on-site facilities or the public sewer system are used. Waste water disposal facilities are required wherever human sanitary waste is created or where water is used for sanitary, process, or other purposes. When the public sewer system lines are available, they will be used for wastewater disposal purposes. Any extension will be done to the specifications established by the Sewer Department and shall be paid for by the developer. When the public sewer systems are not available, onsite facilities shall be provided and shall comply with the State Plumbing Code. The sewage disposal system shall be maintained so that it will function as designed.

18. Scenic, Natural Beauty, Aesthetics, and Historic Sites: The development 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.

a. The Board shall assess the impact of the proposed development on scenic areas, views, aesthetics, and Natural Beauty. Where the proposed activity would adversely affect the scenic views, the development shall minimize such effects by providing site corridors, reducing the height of buildings and setting buildings into the landscape, retaining natural vegetation, and insuring that development does not cut ridge lines and that existing trees are preserved along ridge lines.

b. Historic Sites and Archaeological Sites: The development shall protect historic and archaeological sites located on the property or on nearby lands.

(1) Buildings as identified on the National Register of Historic Places, as having significance by the Maine Historic Preservation Commission, or identified in the Norway Comprehensive Plan shall be protected to the greatest practicable extent.

(2) Archaeological sites identified by the Maine Historic Preservation Commission shall be protected from disturbance or, based upon review by qualified archaeologists, shall be excavated and cataloged in accordance with sound and accepted archaeological practices.

19. Financial and Technical Capacity: The applicant shall have adequate financial and technical capacity to fully complete the development in accordance with the standards contained herein and with applicable federal, state, and other local laws, rules, and regulations. In determining financial capacity, the Board may require a guarantee that the work will be completed. Technical capacity shall be demonstrated by employing persons with professional certifications in the State of Maine and training relevant to the type of design and construction work to be performed.

20. Shoreland Zone: Whenever situated in whole or in part, within two hundred fifty (250) feet of any pond, lake, river, or wetland as delineated on the Shoreland Zoning map, the development shall 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 Norway.

21. Noise levels: will 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 as listed below. Sound levels shall be measured at least four (4) feet above ground at the property boundary of the source.

Sound Pressure Level Limits Using the Sound Equivalent Level of One Minute (Leq 1) (measured in dB(a) scale)

<table>
<thead>
<tr>
<th></th>
<th>7 a.m.-10 p.m.</th>
<th>10 p.m.-7 a.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>55</td>
<td>45</td>
</tr>
<tr>
<td>Commercial and other</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) Noises created by construction and temporary maintenance activities between 6:30 a.m. and 8:00 p.m.

(2) The noises of safety signals, warning devices and emergency pressure relief valves and any other emergency activity.

(3) Traffic noise on public streets.

22. Odors: The proposed development will not produce offensive or harmful odors perceptible beyond the lot lines, either at ground level or habitable elevation.

23. Waste Disposal: The proposed development shall store, handle and dispose of all solid, liquid, universal, and hazardous wastes as defined by federal and/or state statute, whichever is more stringent, in accordance with current federal and state laws and rules. The development shall handle, store and dispose of all waste materials in a manner that will ensure protection of the public, employees, and adjacent uses and will further ensure the protection of the environment from leaks, spills, other accidents or disposal.

24. Comprehensive Plan and Other Ordinances: The proposed development shall be in conformance with the Comprehensive Plan and other applicable ordinances. In demonstrating compliance with other ordinances, the developer shall not have to obtain a permit, if required, prior to site plan approval, but shall provide such permits to the Code Enforcement Officer prior to beginning construction of the development.
SECTION VI  GENERAL PROVISIONS

A. Where the Planning Board makes written findings of fact, it may modify or waive any of the above application requirements or performance standards when the Planning Board determines that because of the special circumstances of the site, such application requirements or standards would not be applicable or would be an unnecessary burden on the applicant and not adversely affect the abutting land owners and the general health, safety and welfare of the town.

B. The Planning Board may require the filing of a Performance Bond or the execution of a conditional agreement with the municipality by the applicant.

C. All construction performed under the authorization of a building permit or certificate of occupancy issued for the development within the scope of this Ordinance shall be in conformance with the approved site plan and any additional conditions established by the Planning Board.

SECTION VII  SPECIAL REGULATIONS

A. The following regulations shall be complied with, in addition to the performance standards contained in Section V of this Ordinance.

1. Child Care and Educational Institutions: All residential child care and/or educational institutions and/or facilities shall comply with the Rules for the Licensure of Child Care Facilities as adopted by the Department of Mental Health and Mental Retardation, Department of Educational and Cultural Services, Bureau of Mental Health and Bureau of Instruction.

2. Industrial and Commercial Development: Any industrial/commercial use which is found by the Planning Board to constitute a public nuisance by reason of emission of dust, fumes, gas, smoke, odor, noise, vibration or other disturbance shall be expressly prohibited. No such finding shall be made by the Planning Board until after a public hearing has been held.

3. Outdoor storage: No outdoor storage of articles, supplies, and materials shall be within the required set-back.

4. Signs

   a. General requirements: Signs and advertising features of all development shall comply with the following standards except that more stringent standards may apply in the Downtown and Gateway areas

      (1). On each premises there may be one wall or roof sign and one projecting (from the building) sign or one free standing sign. (The use of a projecting sign and free standing sign together is not permitted.) Additional requirements are presented in the following subsections.
(2). 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.

(3) On each premise, there may be 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, in aggregate, shall not have a greater area 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. Roof signs shall be no higher than the highest point of the roof directly behind the sign.

(4) One projecting sign or one free standing sign is permitted per structure.

(a) Projecting signs shall be used when the building setback from the street or sidewalk is such that use of a free standing sign would detract from the aesthetics of the streetscape, the structure and/or the landscaping. Signs shall be designed to be in keeping with the structures and aesthetics of the neighborhood. Projecting signs shall extend no lower than ten (10) feet above ground level and shall project from the wall at an angle of ninety (90) degrees. No projecting sign shall exceed twenty-four (24) square feet on more than two (2) sides with the other two (2) sides being no more than six (6) inches in width, and no part of the sign shall be more than four (4) feet from the building. Projecting signs may overhang public sidewalks, but shall not overhang streets or areas where vehicle movement is expected. The owner of a projecting sign shall provide liability insurance with the town named as an insured party.

(b) No free standing sign shall be greater than forty (40) square feet in area on more than two sides, or no more than eighty (80) square feet on all four (4) sides. No sign shall be over sixteen (16) feet in height above the average height of land in the development. Free standing signs shall be designed such that they compliment the building design and landscaping of the development.

(5) Businesses may use one temporary, portable placard sign having two sides. Such sign may be placed on the sidewalk or other convenient area at the front of the business for the purposes of advertising daily/weekly specials or features. Such sign may only be displayed during normal business hours, and such sign shall not create a vehicular or pedestrian hazard or interfere with access for people with disabilities. The sign shall not be illuminated.

(6) Awning and canopy signs are permitted. Canopies over fuel islands shall only advertise fuel and fuel products and shall not be internally illuminated.

(7) 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, steady and stationary white lights of reasonable intensity.

(8) Signs for a building housing three (3) or more businesses or services shall erect a kiosk advertising the entire activity under one name. A kiosk may be erected at each major entrance separated by a minimum of two hundred (200) feet and shall only count as one sign. Each business is also permitted one (1) identification sign not to exceed twelve (12) square feet in area mounted on a building.

b. Downtown and Gateway areas:

(1). On each premise, there shall be permitted one (1) wall sign in accordance with the requirements of subsection a. above. No roof signs shall be permitted.

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

Where the façade of the structure is recessed from the street/sidewalk line by more than ten (10) feet, one free standing sign is permitting per lot. Alternatively, where the façade is recessed from the street/sidewalk line by ten (10) feet or less, one free standing sign may be substituted for the projecting sign. No free standing sign shall be greater than twenty-four (24) square feet.

(3) Businesses may use one temporary, portable placard sign as permitted in subsection a. above.

(4) Awning and canopy signs and lighting shall be as permitted in subsection a. above.

B. Downtown Development District and Gateway Areas

1. The purpose of this section 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 and Gateway areas shall be as mapped in the Comprehensive Plan adopted by the town on June 14, 2004 or the most current plan adopted thereafter. (Appendix A for Comprehensive Plan Map.)

3. Review of Uses Requiring Site Plan Review:
In this area, the Code Enforcement Officer may approve a 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 twelve (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 and similar to other businesses in the district;

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.

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 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 one hundred dollars ($100.00) nor more than two thousand five hundred dollars ($2,500.00) as provided by State law. Each day on which the violation shall continue shall constitute a separate offense.

SECTION IX VALIDITY AND SEPARABILITY AND CONFLICT WITH OTHER ORDINANCES

A. 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.

B. 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.

SECTION X 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 established by vote of the Town, July 30, 1975, within thirty (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 XI AMENDMENTS

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

SECTION XII 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 use to any other type of 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 of 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, timber 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 on or in a residential structure 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 of the extraction of minerals.

**Institutional:** A building devoted to some public, governmental, education, charitable, medical or similar purpose.

**Multi-family dwellings:** Structures containing three or more dwelling units.

**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 two thousand five hundred (2,500) square feet or twenty-five percent (25%) in area (whichever is less provided such expansion involves at least five-hundred [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 as defined by the Maine Natural Resources Protection Act, 38 MRSA 480-A et seq.
Norway
Downtown with Historic District and Gateway Areas
TOWN OF NORWAY

Street Naming/Road Numbering Ordinance for 911 Enhanced

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 Selectpersons or their designees who shall assign road names and numbers to all properties, both on existing and proposed roads. The Board of Selectpersons or their designees shall be responsible for maintaining the following official records of this ordinance:

a. A Town of Norway map for official use showing road names and numbers

b. An alphabetical list of 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 the Town of Norway 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 Norway shall not constitute or imply acceptance of the road as a public way. The following criteria shall govern the naming system:

a. Similar names - no two roads shall be given the same or similar-sounding names. (Beech/Peach)

b. Each road should have the same name throughout its entire length.

Enacted: 2/16/1995
Section 5 Numbering System

Numbers shall be assigned every 50 feet or less when deemed necessary along both sides of the road, with even numbers appearing on the left side of the street and odd numbers appearing on the right side of the street, determined by the number origin. The following criteria shall govern the numbering system:

a All number origins shall begin from the designated center of The Town of Norway 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 should have a separate number. (Duplexes may have two separate numbers; apartments will have one road number with an apartment number, such as 235 Maple Street, Apt 2).

Section 6 Compliance

In order for road naming and property numbering to be effective and 911 Enhanced to work all owners of structures need to display and maintain in a conspicuous place on their structure the assigned numbers in the following manner:

a Number on the Structure or Residence - When the residence or structure is within 50 feet of the edge of the road, the assigned number should be displayed on the front of the residence in the vicinity of the front door or entry.

b Number at the street/road - If the residence/structure is over 50 feet from the road, the number should be displayed on a post, fence, wall, or mailbox adjacent to the walk or driveway of the residence.

c Numbers should be large enough to be clearly visible from the road/street and should contrast with the background colors.

d All previous numbers must be removed from the house or structure.

e It is suggested that all residents post their road name and number adjacent to the telephone for emergency reference.
Section 7 New Developments and Subdivisions

a New Developments: Whenever any residence or other structure is constructed or developed, the new owner should procure an assigned number from the Selectpersons or their designees. This should be done when the building permit is issued.

b New Subdivisions: Any prospective subdivider shall show a proposed road name and lot numbering system at the pre-application meeting with the planning board. Before approval of the subdivision the planning board shall get approval from the Selectmen or their Designees that the name of the street and the numbering of the lots complies with the Street Naming Ordinance of the Town of Norway.

Section 8 Effective Date

This ordinance shall become effective as of February 16, 1995. It shall be the duty of the Town of Norway to notify by mail each owner and the Post Office of the new addresses. Property owners shall comply with the ordinance within 30 days of notification of their new addresses. On new homes numbers shall be installed before occupancy.
Town of Norway

Street Vendor Ordinance

Voted by Town Vote

June 18, 2012
Section 1. Title
This ordinance shall be known as the Town of Norway Street Vendor Ordinance.

Section 2. Authority
This ordinance is enacted pursuant to Title 30-A, Section 3001

Section 3. Purpose
The purpose of this ordinance is to regulate and license street vendors, promote highway safety, preserve the character and aesthetics of the town, protect the property values, and to protect the health, safety and welfare of individuals and the public.

Section 4. Permit Required
It shall be unlawful for any person to engage in the business of street vendor as defined in Section 5. within the corporate limits of the Town of Norway without first obtaining a permit as provided herein. Permits will be valid for one year from date of issue.

Section 5. Definitions
Public Right of Way: Any street, road, drive, way, sidewalk, or any other public place within the Town of Norway.
Street Vendor: Selling or offering to sell, displaying for sale, demonstrating, distributing samples of or soliciting or taking orders for any goods or services in any street, way or public place. A person or persons engaged in the sale on a temporary basis with landowner’s permission.
Yard Sale: An informal, irregularly scheduled event for the sale of used goods by private individuals. Also known as tag sale, rummage sale, lawn, attic, junk, moving sale, etc.

Section 6. Restrictions
1. A street vendor may not operate on any town-owned property without permission from the Select board.
2. A street vendor may not operate within the grounds of any public school
3. A street vendor may not operate within 65 feet of any fixed-base retail establishment offering the same or similar goods or services
4. No licensed street vendor shall operate within any area designated by the Norway Board of Selectmen for a sidewalk sale, street festival or other special event.
5. The sales area shall be limited to sixty-four (64) square feet and shall not exceed fourteen (14) feet in height. The sales area shall be limited to not more than one-per-fifty feet.
6. The sales area shall be removed and cleaned for at least twelve (12) hours per day.
7. Owner of the property shall provide toilet facilities to the vendor.
8. Street vendors are prohibited from locating on a public right-of-way.
9. No events shall be held between November 15 and April 15

Section 6.A Exceptions
1. A street vendor’s license shall not be required for advertising only (as on a motor vehicle for sale)
2. A street vendor’s license shall not be required to hold a yard sale, as defined in Section 5.
3. A street vendor’s license shall not be required to operate a state licensed public market stall.
4. A street vendor’s license shall not be required to participate in a sidewalk sale, street festival or other special event authorized by the Norway Board of Selectmen
5. A street vendor’s license shall not be required to sell any agricultural product.

Section 7. Application
Applicants for permit under this ordinance must file with the Norway Select board a sworn application in writing on a form to be furnished by the Town Clerk, which shall give the following information:
• Name and business description of the applicant
• Address of applicant (Street address and mailing address)
• A brief description of the nature of goods to be sold
• Any and all employees of the applicant with appropriate written evidence of their employment status
• If a vehicle is to be used, a description of the vehicle and proof of current registration
• A current photo ID
• The full name, address and telephone number of the property owner, the location of the property and written permission from the property owner.
At the time of filing the application, a fee of $100.00 shall be paid to the Town Clerk to cover the cost of investigation and administration of this Ordinance. Resident non-profit organizations and municipal departments are exempt from fees.

Street Vendor’s permits shall be limited to one per applicant.

The application shall be filed with the Norway Selectboard officers not less than 30 days nor more than 120 days before the date on which it is proposed to commence the event.

Street Vendors shall maintain in full force and effect at all times, a policy of comprehensive public liability insurance with limits of no less than $500,000, naming the Town of Norway as additional insured. A certificate of insurance must be provided before a street vendor’s permit is issued.

Proof of current Maine resale certificate, where applicable

Organizations (private, non-profit, or for-profit) wishing to use government or quasi government property for special events shall still make application if applicable to this ordinance. As part of the application process, the applicant will describe the intended properties that will be used as part of the event as well as any vendors that may be used during the event. The Town of Norway may then decide to exempt those vendors from the provisions of this ordinance. During such events, the sponsoring organizations also have the right to object to other vendors (as this ordinance pertains to) operating in town during their events. Those objections will be considered during the permitting process (Section 8)

Section 8. Permit and Appeal Procedures
The Norway Board of Selectmen 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.

Any applicant requesting a street vendor permit from the Board of Selectmen 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/her request was received. In the event a permit is
denied, the applicant shall be provided with the reasons for denial in writing. The applicant may not reapply for a permit within thirty (30) days, or such other number of days as the legislature may specify, after an application for a permit has been denied.

Any applicant 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 Norway Board of Appeals as defined in and pursuant to 30A M.R.S.A. 2691. The Norway Board of Selectmen may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare or that the denial, revocation or suspension was not based upon a preponderance of the evidence on a violation of any municipal ordinance, article, bylaw, rule or regulation of state law.

Section 9. Transfer
No permit issued under the provision of this Ordinance shall be used at any time by any person other than to whom it was issued.

Section 10. Exhibition of Permit
Permits are required to be displayed at all time

Section 11. Revocation and Suspension of Permit
Permits issued under the provisions of this Ordinance may be revoked by the Norway Board of Selectmen for any of the following causes:

- Fraud, misrepresentation or false statement contained in the permit application
- Fraud, misrepresentation or false statement made in the course of carrying on his/her business as a Street Vendor.
- Any violation of any State, Federal, or local law, ordinance, rule or regulations
- Conviction of any crime or misdemeanor involving moral turpitude
- Conducting the business of street vending in an unlawful manner or in such a manner as to constitute a menace to the health, safety, or general welfare of the public.

A permit may be suspended by the Town of Norway Code Enforcement Officer during the permit term for the reasons outlined in this section. The CEO shall meet with the permittee to outline the reasons for suspension and allow the permittee an opportunity to provide an explanation. If, after hearing the permittee’s explanation, the CEO suspends the permit, the
permittee may appeal to the Board of Selectmen, who shall call an emergency meeting to consider the appeal.

**Section 12. Enforcement and Penalty**
The Code Enforcement Officer and/or the Norway Town Manager shall enforce the provisions of this Ordinance. A violation of any provision of this Ordinance shall be a civil violation and a civil penalty not exceeding $2500.00 shall be imposed, which shall accrue to the benefit of the Town of Norway. Each day that a violation continues will be treated as a separate offense. The Selectboard, Town Manager and/or Code Enforcement Officer may also seek injunctive relief where applicable.

**Section 13. Severability**
If any part of parts, section or subsection, sentence, clause or phrase of this Ordinance is for any reason declared to be unconstitutional or invalid, such shall not affect the validity or constitutionality of the remaining portions of this Ordinance or any rules or regulations promulgated hereunder.

**Section 14. Effective Date**
This Ordinance shall become effective upon passage by the legislative body of the Town of Norway at Town Meeting
Town of Norway

Subdivision Ordinance

Enacted June 20, 2005
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Subdivision Ordinance for the Town of Norway

100 Purposes

To assure the comfort, convenience, safety, health and welfare of the people of the Town of NORWAY;

To protect the environment and promote the development of an economically sound and stable community.

To implement policy contained in the Comprehensive Plan as may be amended from time to time. To this end, in approving subdivisions within the Town of NORWAY, Maine, the Planning Board shall consider the following requirements 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.

200 Authority and Applicability

201.1 Authority

This Ordinance has been adopted pursuant to Article VIII-A, 2nd Part of the Maine Constitution, Title 30-A M.R.S.A. Section 3001 and Title 30-A M.R.S.A. Section 4403 et. seq.

201.2 Applicability

This ordinance shall pertain to all land and buildings proposed for subdivision within the boundaries of NORWAY, Maine.

300 Administration

301.1 Agenda

The Planning Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Planning Board's agenda in advance of a regularly scheduled meeting by contacting the Planning Assistant. Applicants who attend a meeting but who are not on the agenda may be heard but only after all agenda items have been completed and then only if a majority of the Planning Board so votes.

301.2 Sketch Plan and Pre-application Meeting

Applicants shall present a sketch plan and make a verbal presentation to the Planning Board regarding the site and the proposed project.

A. Submission

1. The Pre-application Sketch Plan shall

   a. show, in simple sketch form, the proposed development area, and other features in relation to existing conditions. The Sketch Plan may be a freehand sketch.
   b. contain a letter or brief narrative describing the existing conditions of the site and area and the proposed development.
c. contain a copy of the Assessor's Map of the parcel and a USGS topographic map showing the location of the land.

d. written evidence showing right, title or interest (e.g. option, contract for sale) in the property to be developed.

2. When a proposed subdivision will encompass ten (10) acres or more, or five (5) lots, whichever is less, the applicant shall submit sketch plans of both a traditional subdivision layout and an open space subdivision layout. The written narrative shall discuss the advantages and disadvantages of both plans. The Planning Board shall within thirty (30) days of receiving the sketch plan inform the applicant of their recommendations based on the intent of the comprehensive plan and the nature of the site, which type of subdivision is the most appropriate.

B. Contour Interval and On-Site Inspection.

Within thirty (30) days of the pre-application meeting, the Planning Board shall determine and inform the applicant, in writing, of the required contour interval on the development plan. The Planning Board may also conduct an on-site inspection of the property. Such inspection and discussion does not constitute a substantive review by the Planning Board.

301.3 Joint Meetings

If any portion of the proposed subdivision crosses the boundary of an adjacent municipality, the Planning 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.

400 Subdivision Application and Review Procedures

401.1 General

This ordinance establishes a two-stage review process for subdivisions: a preliminary plan and a final plan.

401.2 Minor Subdivisions (five [5] lots or fewer) - General

A Minor Subdivision generally does not require the extent of submittal information that a Major Subdivision does. However, the Planning Board may require the applicant to submit additional information, such as that required for a major subdivision, when deemed necessary due to the complexity of the proposal, the environmental conditions, or other circumstances indicating that some aspect of the proposal is likely to present a substantial risk to public health, safety, or welfare. The Planning Board may waive the Final Review stage for Minor Subdivisions provided that all necessary submittals are made during the Preliminary Review process.

401.3 Major Subdivisions (five [5] lots or more or having road construction) - General

A Major Subdivision generally has increased potential to impact the environment and community character and the welfare of the neighbors and residents of Norway. Review often requires a higher level of consideration by the Planning Board. To make findings on the standards contained in this ordinance and the criteria contained in State law, the Board will require more information than for minor subdivisions. Further, it is often necessary to make changes to the plan during the review process; therefore, the Board will require both a preliminary and final review process for major subdivisions.

402 Preliminary Plan
402.1 Procedure - Preliminary Plan

A. The plan should approximate the discussions and recommendations resulting from the Pre-application-sketch plan process. The Planning Board shall provide the subdivider with a dated receipt of the application at the Planning Board meeting where the plan application is submitted to the Board.

B. All applications for Preliminary Plan Review shall be accompanied by an application fee as set by the Board of Selectmen after Public Hearing.

C. The Planning Board may require the Applicant to deposit in escrow with the town an amount of money sufficient to cover the costs for any professional review and assistance which the Planning Board may feel is reasonably necessary to assure compliance with this ordinance and State Law. The escrow account shall be used to fund such assistance through the Final Plan process. Upon a decision by the Planning Board to engage professional assistance, the Applicant shall provide the requested escrow funds within seven days. 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 thirty (30) days of final approval. If the escrow account is drawn down by eighty (80) percent, the Planning Board may request, and the Applicant shall provide, additional funds to be deposited into the escrow account.

D. With the filing of an application, property owners within one hundred (100) feet of the edge of the applicant's property lines shall be notified by Certified Mail, Return Receipt Requested, of an application for subdivision review by the Town of Norway. The Applicant shall supply completed notification forms and the names and addresses, which shall be obtained from the Town Office. This notice shall indicate the time, date and place of the Planning Board's first consideration of the application. Should the meeting of the first consideration of the application not be held for any reason, a subsequent notification of the new meeting date shall be provided by Certified Mail, Return Receipt Requested.

E. Within thirty (30) days of the Planning Board issuing a dated receipt of an application form and fee, the Planning 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.

F. No application shall be considered complete nor shall any review commence or approval issued if the subject parcel is known to be in violation of any ordinance or State or Federal Law.

G. The Planning Board shall determine whether to hold a public hearing on the plan. If the Planning 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 notified in subsection D above seven (7) days prior to the hearing by the Town of NORWAY.

H. Within thirty (30) days of a public hearing, or within sixty (60) 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 Planning Board and the subdivider, the Planning Board shall make written findings of fact on the application and approve, approve with conditions, or deny the Preliminary Plan. The Planning Board shall specify in writing its findings of facts and reasons for any conditions or denial. The Board shall ensure that the Plan satisfies all of the approval criteria set forth in Title 30-A M.R.S.A. Section 4404, as amended, and the requirements of this Ordinance.

I. When granting approval to a Preliminary Plan, the Planning Board shall state the conditions of such approval, if any, with respect to:
1. The specific changes that it will require in the final plan;

2. The character and extent of the required information for which waivers were requested and which, in the Planning Board's opinion, may be waived without jeopardy to the public health, safety, and general welfare; and

3. The amount and type of all performance guarantees which it will require as prerequisite to the approval of the final plan.

4. Approval of a Preliminary Plan shall not constitute approval of the final plan or intent to approve the final plan. The Preliminary Plan shall be a guide to the preparation of the final plan. The final plan shall be submitted for approval of the Planning Board upon fulfillment of the requirements of this Ordinance and the conditions of preliminary approval, if any.

402.2 Submissions – Preliminary Plan

A. The initial submittal shall consist of three (3) copies of all plans and drawings at the same scale as will be used for the reproducible originals required for filing at the Registry of Deeds. In addition, eight (8) copies of the plan(s) which may be reduced to a size of eleven (11) by seventeen (17) inches, and all accompanying information shall be provided. Upon the finding of a complete application, the applicant shall provide the Fire Department, Ambulance Service, Road Commissioner, and Superintendent of Schools copies of the Application for their comments and/or suggestions.

B. The plans (maps) shall include the following information:

1. Plat plan, including:
   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 plan shall also indicate the number of acres within the proposed subdivision. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the latitude and longitude of all corners of the original parcel for GIS reference.
   c. The date the Plat Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, applicant, 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 licensed surveyor that prepared the Plan.
   d. The proposed lot lines with dimensions, bearings, and lot area. The plan shall indicate the type of monument set or found at each lot corner.
   e. The location and names of any existing and proposed streets, easements, existing buildings, wetlands, and watercourses, including any river, stream, or brook within or abutting the property. The plan shall also show the widths of existing and proposed streets, easements, sidewalks, buffer areas, parks and recreation areas, and other physical features proposed or required 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.
f. The location and size of existing and proposed culverts and drainage ways on or adjacent to the property to be subdivided.

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.

h. The location of any open space and buffers to be preserved and information on its improvement and management.

i. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.

j. The location of any zoning boundaries affecting the subdivision.

2. Additional plans or maps showing:

a. Subdivision layout of lots, roads, easements, and other relevant information.

b. Vegetative cover type, and other essential existing physical features.

c. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

d. Contour lines at the interval specified by the Planning Board, showing elevations in relation to mean sea level.

e. The location of any zoning boundaries affecting the subdivision.

f. The location of all test pits or borings or other soils and geological information obtained on site.

g. Plans showing all stormwater, phosphorous and erosion controls to be used on the site, including locations and detail sheets, as necessary.

h. Plans showing information on watershed and subwatershed boundaries, including any watershed boundaries for great ponds. Watershed boundaries shall be shown for both pre- and post- development, and the plan shall be keyed to the stormwater management analysis.

i. The location and nature of significant wildlife habitats identified by the Maine Department of Inland Fisheries and Wildlife or identified in the NORWAY Comprehensive Plan.

j. The location of known historic sites or structures or archaeological resources on or adjacent to the property.

k. The location of all documented rare and endangered species identified by the state or federal governments on or adjacent to the parcel.

l. The location of all documented natural areas identified by the state on or adjacent to the parcel.

m. The location of scenic sites or views as identified in the Town of NORWAY Comprehensive Plan.

n. The names and addresses of owners of record of adjacent property including any
C. The written application shall contain the following:

1. A copy of the application form and submittal checklist.

2. A copy of the deed from which the survey was based and proof of right, title, or interest.

3. A copy of a U.S.G.S. map and town tax map showing location.

4. A copy of all covenants, deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.

5. A copy of any proposed covenant, agreements, or deed restrictions intended to cover all or part of the lots in the subdivision.

6. The names and addresses of owners of record of adjacent property including any property directly across an existing public or private street from the subdivision.

7. The type of sewage disposal to be used in the subdivision. 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. The location of all test pits on the site shall be delineated on a drawing done at the same scale as the original plan.

8. The type of water supply system(s) to be used in the subdivision. 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.

9. A copy of the portion of the county soil survey covering the subdivision, along with soil descriptions and interpretations. When the county soil survey, the site visit, or other information shows that soils may be unsuitable for the uses proposed or that special problems may result during construction, the Planning Board may require submission of a more detailed soil survey and/or a report by a registered soil scientist indicating the suitability of the soils and conditions necessary to protect the environment and the health, safety and welfare of the residents.

10. A soil erosion and sedimentation control plan that employs the Best Management Practices as contained in the Maine Erosion and Sediment Control Handbook for Construction Best Management Practices. The plan shall include erosion control for both the construction process and for final development of the site, including erosion control guidelines for lots to be developed by others.

11. If any portion of the property is within the watershed of a great pond, a phosphorus impact analysis and control plan including the location of the watershed boundary.

12. USGS or similar maps showing the lake or river watershed boundary, and the boundaries of any of the following resources when such areas extend outside the parcel: significant wildlife habitat, historic sites or structures, archaeological sites, endangered or threatened species habitat, natural areas, scenic views and viewscapes.

13. A traffic impact analysis prepared by a Professional Engineer when required by the Planning Board. For minor subdivisions, such analysis shall at a minimum specify site distances from access points onto private or public roads.

14. A description of measures to protect all documented rare and endangered species identified
by the state or federal governments.

15. A description of measures to minimize impacts on historic sites or structures or archaeological resources on or adjacent to the site.

16. A description of the nature of significant wildlife habitats identified by the Maine Department of Inland Fisheries and Wildlife and the NORWAY Comprehensive Plan and measures proposed to be taken to protect such habitats.

17. A description of the plans for the management of all buffers and open space, if not shown on the plat plan.

18. A plan for the management of stormwater and surface waters affecting the property or impacting properties that may be affected by the development prepared by a qualified professional knowledgeable in surface drainage. Such plan shall include stormwater runoff calculations based on TR 20 and/or TR 55 of the Natural Resource Conservation Service. The plan shall present a table showing pre- and post-development peak flows. Also, a plan for the maintenance of all stormwater management infrastructure.

19. The cost of development including streets, storm drainage, erosion and sediment control and other improvements proposed and statements of the applicant's technical and financial capacity to carry out the project as proposed.

20. A plan for the maintenance of all streets and other improvements proposed for the site.

21. 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.

403  Final Plan

403.1  Procedure – Final Plan

A. The Applicant shall, within twelve (12) months after the approval of the preliminary plan, file an application for approval of the final plan. The final plan shall contain the recommendations and conditions made by the Planning Board on the Preliminary Plan. The Planning Board shall provide the Applicant with a dated receipt of a final plan application at the Planning Board meeting where the final plan application is first presented to the Planning Board.

B. If more than 60 days has elapsed since the approval of the Preliminary Plan, property owners within one hundred (100) feet of the edge of the applicant's property lines shall be notified by Certified Mail, Return Receipt Requested, of an application for subdivision review by the Town of NORWAY. The procedure shall be as outlined for the Preliminary Plan, in Section 402.1.

C. The review process for the Final Plan shall be as for the Preliminary Plan, Section 402.1, E through G, which is summarized herein.

1. Within thirty (30) days of a dated receipt of a Final Plan application, notify the applicant as to completeness and determine whether to hold a public hearing.

2. No application shall be considered complete ... if the subject parcel is known to be in violation of any ordinance, State or Federal Law.

3. Hold the public hearing, if decided, within thirty (30) days of receipt of a complete application
and publish appropriate notices.

D. Within thirty (30) days from the public hearing or within sixty (60) days of receiving a complete application, if no hearing is held, the Planning Board shall make findings of fact and conclusions relative to the standards contained in Title 30-A M.R.S.A., Section 4404 and this Ordinance. If the Planning Board finds that all standards of the Statute and this Ordinance have been met, they shall approve the final plan. If the Planning Board finds that any of the standards of the Statute and this Ordinance have not been met, the Planning 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 findings of fact.

E. Before the Planning Board grants approval of the final plan, the subdivider shall meet the performance guarantee requirements contained in this ordinance.

403.2 Submissions – Final Plan

A. The Final Plan submittal shall consist of two (2) reproducible, stable-based transparent originals of the plan, which shall be embossed with the seal and signed by the professional who prepared the plan. The plan will be drawn to a scale of not more than one hundred (100) feet to the inch. Plans shall be no larger than twenty-four (24) by thirty-six (36) inches in size, and shall have a margin of two (2) inches outside the border lines on the left side, and one (1) inch margins outside the border along the remaining sides. Space shall be provided for endorsement by the Planning Board.

B. Two (2) copies of the plat plan and the most recent copies of all accompanying plans, drawn to the same scale as the original plan, shall be provided. In addition, eight (8) copies, at the discretion of the Planning Board, of the application form and all accompanying information and any written information when changed from the original submittal of the Preliminary Plan shall be submitted. The Planning Board may also request all plans and drawings reduced to a size of eleven (11) by seventeen (17) inches.

C. Plat plan for filing shall include all items required in Section 402.2. B.1.

404 Final Approval and Filing

404.1 Filing

After completing the findings of fact, the Planning Board shall sign the final plan. The Planning Board shall specify in writing its findings of facts and reasons for any conditions or denial. A mylar of the signed plan shall be retained by the Planning Board as part of the town’s permanent records. One (1) copy of the signed plan shall be forwarded to the tax assessor. The other mylar shall be recorded at the Registry of Deeds. Any subdivision not recorded in the Registry of Deeds by the applicant within ninety (90) days of the date upon which the plan is approved and signed by the Planning Board shall become null and void.

404.2 Revisions

No change, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless the revised Final Plan is first submitted and the Planning Board approves any modifications. The Planning Board shall make findings that the revised plan meets the standards of Title 30-A, M.R.S.A., Section 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 Planning Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.

404.3 Acceptance of Street, Easement or Open Space

The approval by the Planning 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 Planning Board shall require the plan to contain appropriate notes to this effect. The Planning 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 development, equipment, and maintenance of any such dedicated area.

500 Construction of Necessary Improvements

Failure to commence substantial construction of the necessary improvements in the subdivision within two (2) 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 Planning Board shall have a notice placed in the Registry of Deeds to that effect.

600 Performance Standards

In reviewing applications for a subdivision, the Planning Board shall consider the standards contained in Title 30-A, M.R.S.A., Section 4404 and the following standards in this Ordinance and make findings that each have been met prior to the approval of a final plan. In all instances, the burden of proof shall be upon the applicant.

601.1 Conformance with Comprehensive Plan

All proposed subdivisions shall be in conformity with the Comprehensive Plan and with the provisions of all pertinent Federal, State and local laws, codes and ordinances.

601.2 Layout and Buffer Provisions

Subdivisions shall be designed to conform, to the greatest extent possible, with the existing landscape. The features of the landscape such as topography, drainage characteristics, surface water and groundwater hydrology, wetland characteristics, natural areas, and land cover shall be preserved. The Planning Board may require that a subdivision design maintain natural buffers adjacent to rivers, brooks, streams, wetlands, and other natural and historic features that by way of adjacent development would be degraded in aesthetic, environmental, or historic value. The Board may further require that wildlife habitat, and especially travel corridors, be protected. The Board may also require natural buffers adjacent to other development when the development is of a varying nature and design concept.

601.3 Lots

A. All lots shall meet the minimum requirements of the applicable Town of NORWAY Ordinances except as may otherwise be permitted by this Ordinance.

B. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated.

C. The Planning Board may require the location of structures such that the character of the area and the town will not be significantly changed. To accomplish this, the Board may require structures to be arranged to avoid construction in fields and on the tops of ridge lines. Whenever possible and feasible, the designated area for the placement of structures shall be on the edges of fields.

601.4 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 Rules of the Maine Department of Human Services relating to Drinking Water (10-144 A.C.M.R. 231) and, if an extension of the Norway Water District system, to the requirements of the District.

B. The subdivider shall be liable for the costs of the District to conduct inspections of the installation and any testing necessary to insure that the system meets the requirements of the District.

601.5 Sewage Disposal

A. The applicant 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. On lots in which the minimum depth to seasonal water table, or hydraulically restrictive horizon or a minimum depth to bedrock is fifteen (15) inches or less as reported by a licensed site evaluator, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal system. The reserve area shall be shown on the Plan and restricted as to not be built upon.

C. Any centralized sewage disposal system to be connected to the Town of Norway sewer system shall conform to the requirements of the Town. The subdivider shall be liable for the costs of the Town to conduct inspections of the installation and any testing necessary to insure that the system meets the requirements of the Town and will not contribute to infiltration and inflow to the Town system.

601.6 Surface Drainage and Stormwater Management

A. Surface Drainage: The site design shall be such that surface drainage patterns are not significantly changed. Flow patterns and the quantity of water in each drainage area of the subdivision shall approximate predevelopment conditions.

B. Where a subdivision is traversed by a stream, river, or surface water drainage way, or where the surface water runoff from the site is channelized or piped, there shall be provided easements or drainage rights-of-way which shall contain the drainage ways or other features, such as detention ponds, and provide adequate area to either side of the drainage features to allow for maintenance.

C. Provisions shall be made for the on-going maintenance of the stormwater management system. When drainage is to be maintained by the Town, perpetual easements shall be provided to the Town allowing maintenance and improvement of the system.

D. The stormwater management system shall be designed by a qualified professional knowledgeable in surface drainage. Adequate provision shall be made for handling of all stormwater generated within the subdivision, and any drained ground water through a management system of ditches, swales, culverts, underdrains, infiltration areas, and/or storm drains. The stormwater management system shall be designed to conduct stormwater flows to existing watercourses or storm drains.

E. All components of the stormwater management system shall be designed to accommodate a 25-year storm.

F. 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. No activity of the subdivision shall be responsible for the ponding of surface water on any abutting property.

G. There should be no significant increase in the quantity, either peak or total volume, of stormwater
runoff from the development. In determining the significance of any increase, the board will ensure that the runoff will not create erosion, drainage or runoff problems, property damage, or flooding either on the property, on abutting properties or downstream. Stormwater runoff modeling based on NRCS TR-55 is the recommended form of stormwater calculations to determine runoff flows. The applicant may use such other methods as are generally acceptable to the engineering community. The Planning Board may require documentation of the inputs and outputs to the model as well as background information on the model. Any increase in the volume or intensity of 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 any increased storm flows.

H. The quality of stormwater runoff or any river, stream, or brook or any wetland shall not be significantly degraded by any activity during construction, development, or future use of the subdivision. The water quality shall maintain all functional uses previously capable of being supported by the waters and also be capable of maintaining all of the fish and wildlife populations previously supported or capable of being supported.

I. Stormwater runoff generated on the site of the subdivision shall be controlled to the greatest practicable extent on the individual lots. In doing so, the applicant can provide a reasonable estimate of the amount of area to be developed and employ such control techniques as may be appropriate including the use of such low impact development techniques as buffers, infiltration swales, rain gardens, and dry wells.

J. The stormwater management system shall be designed to accommodate upstream drainage.

601.7 Erosion Control

The Planning Board shall require the subdivider to prevent soil erosion and sediment transport on the site and onto adjacent and downstream properties. Erosion control practices shall conform to the Maine Erosion and Sediment Control Handbook for Construction Best Management Practices. The plan should contain erosion control measures for all clearing and construction activity to be undertaken by the subdivider and also measures to be employed during the development of individual lots by subsequent owners.

601.8 Phosphorous Export

A. Subdivisions proposed within the direct watershed of a lake or pond listed below shall be designed to limit phosphorous runoff to the levels defined below, or as may be recommended by the Department of Environmental Protection.

<table>
<thead>
<tr>
<th>Lake Protection Level</th>
<th>Phosphorous Loads</th>
<th>Allowable Phosphorous Export Per Acre (pounds)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Little Pennessseewassee</td>
<td>Medium 8.02</td>
<td>.05</td>
</tr>
<tr>
<td>North</td>
<td>Medium 7.36</td>
<td>.05</td>
</tr>
<tr>
<td>Pennessseewassee</td>
<td>Medium 97.7</td>
<td>.05</td>
</tr>
<tr>
<td>Sand</td>
<td>Medium 8.51</td>
<td>0.1</td>
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<tr>
<td>Mud</td>
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</tr>
<tr>
<td>Round</td>
<td>Medium 1.14</td>
<td>.06</td>
</tr>
<tr>
<td>Furlong</td>
<td>Medium 0.26</td>
<td>.09</td>
</tr>
<tr>
<td>Speck 1, South</td>
<td>Medium 0.39</td>
<td>0.11</td>
</tr>
<tr>
<td>Speck 2, North</td>
<td>Medium 0.72</td>
<td>0.11</td>
</tr>
</tbody>
</table>
1. The pounds per year of phosphorus from the watershed that would produce an increase in phosphorus concentration by more than 1.0 parts per billion.

B. Phosphorous export from a proposed subdivision shall be calculated according to the procedures defined in "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development" (Maine DEP et al., September 1989 with revision in 1992 and as may be amended). Copies of all worksheets and calculations shall be submitted with the application.

C. Phosphorus control measures shall meet the design criteria contained in "Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development" (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended). The Planning Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing street lengths, and shall encourage the use of other nonstructural measures and on site controls similar to the stormwater controls prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

601.9 Construction in Flood Hazard Areas

A. When any part of a subdivision is in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least one (1) 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.

B. Roads and any other structures to be part of the subdivision shall conform to the requirements of the Flood Hazard Ordinance. They shall be protected from flood waters such that they are not damaged, and their construction shall not increase the level or extent of flooding.

601.10 Access Control and Traffic Impacts

Provisions shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to safeguard against hazards, both vehicular and pedestrian, to protect property, and to provide for adequate access by public safety vehicles including fire, police and ambulance services.

Where existing public roads are used to provide access to the subdivision, the Applicant shall have the responsibility to bring such roads up to the design and construction standard contained in Section 700 in order to provide for the access and circulation as stated above. Where private roads are to be used, they shall meet the Private Road standard contained in Section 700.

A. Specifically, the following requirements shall apply in order to insure that roads and streets are upgraded appropriately.

1. The streets or roads giving access to the subdivision and neighboring streets 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, emergency vehicle traffic, and school bus traffic, if appropriate. If 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 street(s) for work within the five (5) year period covered by the plan. Such Road Improvement Program shall be updated at least biannually. When there will be a lapse of time between the time a road that will handle traffic from the

<table>
<thead>
<tr>
<th>Little (Otisfield)</th>
<th>Medium</th>
<th>0.02</th>
<th>.05</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thompson (Oxford)</td>
<td>Medium</td>
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<td>.08</td>
</tr>
<tr>
<td>Sebago (Naples)</td>
<td>High</td>
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<td>0.21</td>
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</tbody>
</table>
subdivision and the construction planned in the five year plan, and such road is deemed to not be capable of providing adequate access to the subdivision, as noted above, then the Planning Board may require the subdivision to be constructed in phases to accommodate the Five Year Plan.

2. When the town's Road Improvement Program has not prioritized the street(s) for improvements, it shall be the responsibility of the applicant to pay for the required improvements. Subdivisions generating less than 100 trips per day and served by public roads that are not included in the Town’s Road Improvement Plan shall meet the Minimum for Public Safety Standard. When subdivisions exceed 100 trips per day, public roads shall be upgraded to the standard as set forth for the type of road which serves the development.

B. In addition to applying good engineering practices and complying with any applicable road standards in the Town of NORWAY, the following criteria and the criteria contained in Section 700 shall be used for the layout, design, improvement, construction and/or reconstruction of any streets or roads.

1. Any subdivision expected to generate average daily traffic of two hundred (200) trips per day or more shall have at least two (2) street connections with an existing public or private street or streets meeting the standards contained in Section 700. A minimum of two hundred (200) feet shall be maintained between centerlines of such street to any other street.

2. Where the subdivision lot(s) will be accessed by off-site or existing public streets, the use of common driveways shall be used where appropriate to minimize the number of entrances to public streets.

3. Where a subdivision will be accessed from Crockett Ridge Road, Sodom Road, Route 26, Route 117, Route 118, or Greenwood Road, access shall be limited to two (2) points through common access or shared driveways.

4. Where a subdivision or lot within a subdivision has frontage on two or more streets, the access to the subdivision or lot shall, where practical, be provided from the street where there is lower potential for congestion and hazards to traffic and pedestrians.

C. Site Distance: The minimum sight distance shall be ten (10) times the posted speed limit on the existing road that the proposed road intersects or two hundred fifty (250) feet for minor and private roads to be constructed as part of the subdivision and where the speed limit is expected to be twenty-five (25) miles per hour. Sight distance shall be measured from the driver’s seat of a vehicle that is ten (10) feet behind the curb or edge of shoulder line with the height of the eye three and one-half (3 ½) feet above the pavement and the height of object four and one-half feet (4 ½) feet.

D. Where a subdivision is located in or adjacent to an area where sidewalks exist, the subdivision shall provide sidewalks and such other pedestrian ways as to facilitate pedestrian traffic within and adjacent to the subdivision. Such sidewalks and pedestrian ways shall meet all of the requirements of the Americans With Disabilities Act guidelines.

601.11 Ground Water Quality

A. When a hydrogeologic assessment is submitted, by request of the Planning Board, the assessment shall contain at least the following information:

1. A map showing the basic soils types.

2. The depth to the water table at representative points throughout the subdivision.

3. Drainage conditions throughout the subdivision.
4. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.

5. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments or other development producing more than an average of 2,000 gallons per day of sewage, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, and/or at the subdivision boundaries; or at a distance of one thousand (1,000) feet from potential contamination sources, whichever is a shorter distance.

6. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within one hundred (100) feet of the subdivision boundaries.

B. 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.

C. 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.

D. 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 one hundred fifty (150) percent of the ambient concentration.

E. 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.

601.12 Protection of Significant Wildlife Habitat

A. Subdivision design shall protect wildlife habitat to the greatest practicable extent through the location of roads, drainages, and other constructed features and the layout of lots such that important habitat is protected. Open space layouts and the use of buffers are highly encouraged, and may be required by the Planning Board in order to afford protection of important habitat. Important habitat includes, but is not limited to, resources identified by the Maine Department of Inland Fisheries and Wildlife, surface waters, wetlands, and vernal pools.

B. Applicants proposing to subdivide land in or within seventy-five (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 Planning Board. Any conditions to the approval to wildlife habitat preservation shall appear on the plan and as deed restrictions to the affected lots.

601.13 Scenic Locations

The Planning Board shall consider the existence of a scenic site, view location, or scenic viewscape as identified in the Town of NORWAY Comprehensive Plan and the impact of the proposed subdivision on such a site or view. The Planning 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 and may require public access to view locations to be provided where such access is being disturbed.
601.14 Archaeological Sites

A. 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 Planning Board. The Planning Board shall consider comments received from the Commission prior to rendering a decision on the application.

B. Subdivision design and layout will protect such sites to the maximum extent possible.

601.15 Historic Locations

The Planning Board shall consider a proposed subdivision's impacts on historic buildings and sites as identified in the NORWAY 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. The size, scale, design, and exterior finish of proposed structures, or potential structures shall be in keeping with the historic site which would be impacted in order to reduce the visual, aesthetic, and social impact on the historic site.

601.16 Endangered and Threatened Species

The Planning Board shall consider a proposed subdivision's impacts on state documented endangered species and shall insure that the subdivision does not damage or further endanger or threaten such species.

601.17 Solid Waste

All solid waste shall be disposed of at a Department of Environmental Protection licensed facility and in accordance with applicable federal and state laws.

601.18 Municipal Services

When the Planning Board finds, based upon the recommendation of department heads, that municipal services do not have sufficient capacity to service the proposed subdivision, the Planning Board may require the following:

A. Phasing of the subdivision to allow for the development of expanded municipal services;
B. deny the application; and/or
C. Require the applicant to upgrade the municipal services. Such upgrade shall pertain to capital facilities only and not operation or maintenance of services or facilities.

601.19 Open Space/Resource Preservation Subdivisions

A. It is the policy of the Town of NORWAY to encourage the development of subdivision designs and layouts that preserve a sense of space, provide for agriculture, forestry, and recreational land uses, preserve other resources, including historic resources, identified in the Town of NORWAY Comprehensive Plan, and blend new development with the traditional open and wooded, agricultural, and village landscapes and historic buildings of NORWAY. Such designs are also useful in insuring that development is located on appropriate soils and on topographic features that are most capable of supporting the development.

This standard is intended to implement Comprehensive Plan policy by providing incentives that
afford flexibility in street and lot layout and design and street frontage requirements to the landowner. It also allows the Planning Board to waive or reduce certain otherwise applicable standards and provisions of this Ordinance if such landowners commit to the permanent preservation of important open space, historic, or cultural resources or preservation of traditional residences, structures, and neighborhoods. These incentives are designed to encourage greater flexibility and more innovative approaches to development and environmental design that will promote the most appropriate use of land, preservation of permanent open space, or agricultural land, forest land, important natural features, wildlife habitat, water resources, ecological systems, and historic and scenic areas, historic and cultural resources, and historic and traditional neighborhoods for the benefit of present and future residents.

B. A resource preservation subdivision achieves the purposes of this performance standard by reducing the lot size, frontage and setback requirements. It locates housing, structures and accompanying uses in those areas where they have the smallest impact on identified environmental, wildlife, agricultural, forest, open space, historic, cultural and traditional neighborhood resources. These resources are then permanently preserved by covenants and restrictions or conservation easements.

C. An individual may apply for approval of a resource preservation subdivision either after sketch plan review of a conventional subdivision or by initially filing an application for a resource preservation subdivision. In either case, the Planning Board shall review the application in accordance with Title 30-A M.R.S.A., Section 4404 and this Ordinance.

1. Pre-application Procedure

Any applicant for a resource preservation subdivision is encouraged, but not required, to submit at the pre-application stage a complete build out plan for the entire parcel.

2. Application Procedure

The submissions for a resource preservation subdivision shall include all plans and materials required for a conventional subdivision under this Ordinance.

3. General Requirements

In Planning Board review and approval of a resource preservation subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this Ordinance and other Town of NORWAY Ordinances.

a. Use and District Requirements: All resource preservation subdivisions shall meet the use standards of the districts in which they are located.

b. Allowable Density: Allowable density shall be based upon one of the following methods as determined by the applicant:

1) Net density method which is calculated in the following manner: Determine the buildable acreage of the parcel by taking the total area of the parcel and subtracting in order the following:

a. area in proposed rights-of-way;
b. area of two (2) or more contiguous acres with sustained slopes of twenty (20) percent and greater;
c. area of wetlands identified as Class I, II and III under the Natural Resource Protection Act;
d. area shown to be in floodway as designed in the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency;
and

e. 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 uses or units by: subtracting the area of wetlands identified as Class I, II and III under the Natural Resource Protection Act from the total acreage of the parcel and then taking seventy (70) percent of that result; divide that number by the minimum lot size requirement.

c. For residential development, the Planning Board may grant a density bonus of one (1) lot or dwelling unit of each ten (10) lots or dwelling units when it makes a written finding that the resource preservation subdivision satisfies the policies of the comprehensive plan and achieves the applicable purposes of this Ordinance.

4. Layout and Siting Standards

In planning the location and siting of structures in a resource preservation subdivision, priority should be given to the preservation of the open space for its natural resource value or the historic, cultural and traditional neighborhood resources for their intrinsic values. The development should be located on the soils and topography that is best suited for development. Where open space is being preserved, human habitation activity should be 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. Where historic, cultural and traditional neighborhood values are being preserved, the design, layout and style of the subdivision and structures shall complement the resources that are being protected or are located in the surrounding area. It is understood that there will sometimes be competing resources. As such the Applicant and Planning Board will work to determine the most appropriate layout based on the environmental and community needs.

a. Where open space is being preserved, the building lots on a parcel shall be laid out and the structures shall be sited according to the following principles. The Planning Board, in its discretion, shall resolve conflicts between these principles as applied to a particular site.

1) Upon soils least suitable for agricultural use and in a manner that maximizes the usable area remaining for the designated open space use, whether agricultural, forestry, or recreational, and whether existing or future.

2) 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 development to be visually absorbed by natural landscape features;

3) In such manner that the boundaries between residential lots or other proposed uses and active agricultural use, commercial forest land, and/or wildlife habitat are well-buffered by vegetation, topography, streets or other barriers in order to minimize potential conflict between new uses and agricultural and forestry uses;

4) 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;

b. Where historic, cultural or traditional neighborhood resources and values are being protected, the building lots shall be laid out and the structures sited according to the following principles.
1) The layout and structures shall preserve and complement the resources and traditional neighborhood character, where applicable, through setbacks, scale, landscaping, and quality of construction which should all be in keeping with the surrounding uses.

2) In such manner that the boundaries between proposed uses and existing uses are buffered or screened in keeping with the buffers and screening that exist in the area in order to minimize potential conflict between new uses and existing uses, especially residential uses;

3) Historic or cultural resources shall be preserved and protected to the greatest extent possible in keeping with the economic feasibility. The Planning Board may require that certain resources be open to the public with such conditions as may be appropriate for the location and type of resource, including being open on an appointment only basis. Or the Planning Board may require that permanent easements be obtained to insure the preservation of such resources.

5. Space Standards

a. Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required by the Shoreland Zoning Ordinance.

b. Except in the Shoreland Zone, the required minimum land area per dwelling unit for the building envelope may be reduced by twenty-five (25) percent or for non-residential structures by fifty (50) percent of the minimum lot size, except that in no case shall the minimum building envelope for non-residential structures be reduced below that needed to meet the impervious area requirements of the Site Plan Review Ordinance. The building envelope shall not include 100-year floodplains, areas of two (2) or more acres of sustained slopes greater than twenty (20) percent, or wetlands as defined by the Natural Resource Protection Act. If the lot area is reduced, there shall be additional land area in the development equal to or exceeding the sum of the areas by which the building lots are reduced below the minimum lot area normally required in the district.

For subdivisions preserving open space, the additional area shall be laid out to preserve the agricultural, forestry, or environmental resources the subdivision seeks to protect. Where open space or environmental resources are being preserved, the layout shall provide access and minimal facilities such as trails to insure that the lot owners in the subdivision can enjoy the benefits of the open space or environmental resources.

c. Minimum street frontage requirements may be waived or modified by the Planning Board provided that:

1) Any applicable provisions regarding streets in Subsection 6, below, are satisfied; and

2) Adequate access and turn-around to and from all parcels by emergency vehicles can be ensured by private streets and/or common driveways.

d. A reduction of required setback distances may be allowed at the discretion of the Planning Board, based upon the public benefits to be achieved from the design, provided that the front and rear setbacks shall be no less than twenty-five (25) feet.

e. No individual lot or dwelling unit shall have direct vehicular access onto a public street
existing at the time of development unless in the case of developments in the area served by town water and sewer such access is already available to a structure that is being preserved and that such access does not constitute a traffic or safety hazard.

6. Streets

Streets and roads shall comply with the design standards set forth in this ordinance, Section 701, except as follows. Any Collector type street or road in a resource preservation subdivision shall meet the standard contained in Section 701. Other streets or roads shall meet the criteria for Minor or Private presented in the table in Section 701, except that the Pavement/Travel Way Width may be reduced to eighteen (18) feet. The use of common driveways meeting the standards in Section 701 is allowed. Right-of-way widths may be reduced at the discretion of the Planning Board provided there is adequate right-of-way for stormwater management facilities, including the maintenance thereof.

7. Open Space Requirements

In Planning Board review and approval of a subdivision with open space, whether primarily intended to preserve open space or to preserve and protect historic, cultural or traditional neighborhood resources, 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:

1) 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.

2) 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, streets 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 Planning Board; or held in such other form of ownership as the Planning Board finds adequate to achieve the purposes set forth in this section. The Planning 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. Land or 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 an owners' 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, street or open space shall be approved by the Planning Board and included in the deed for each lot.

601.20 Mobile Home Parks

These standards shall apply to all development proposals for new mobile home parks and to any expansion of existing 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 systems
   - 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 -- 12,000 square feet
   - Minimum lot width -- 75 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 rights-of-way; and
   b. the area required for buffer strips, if any.
   c. any areas to be dedicated to open space or recreation

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 NORWAY shall meet the lot area, lot width, setback and shore frontage requirements set forth in that Ordinance.

B. Lot Setbacks

1. The following lot setbacks shall apply to all structures in a park.
   - Front setback -- 20 feet
   - Side setback -- 10 feet
   - Rear setback -- 20 feet
   - Setback to public street shall comply with the Town of Norway Building Ordinance

2. For aesthetic purposes, the Planning Board may allow the front or rear setbacks on a private street within a mobile home park to be varied provided that no home may be closer than ten (10) feet from the right-of-way or the rear of any lot and the average distance is at least
twenty (20) feet for all units.

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 that has a gross density of less than half of that proposed in the park.

2. 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.

3. Within twenty-five (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 vegetation. This screening shall effectively screen at least fifty (50) percent of the homes from view from the adjacent property and shall be maintained throughout the life of the project.

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. 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.
   a. Two-way park streets shall have a minimum right-of-way of twenty-three (23) feet and a minimum travel way surface 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 a minimum travel way surface of fourteen (14) feet. On-street parking shall be prohibited.

2. Streets for Public Acceptance. Streets within mobile home parks that are to be offered for acceptance by the Town of NORWAY shall meet the minimum street acceptance standards for public streets as required in Section 602 of this ordinance.

3. 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.

4. Pavement shall be two (2) inches of hot bituminous, whether streets are to be public or remain private.

5. Parking lanes, if provided, shall be a minimum of eight (8) feet in width.
G. 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.

H. 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.

I. 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:

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.

J. 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.

601.21 Multi-Family Residential

A. The applicant shall demonstrate the availability of adequate supply and quality of water for both domestic and firefighting purposes.

B. 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 (6) feet in height.

C. New multi-family developments of six (6) dwelling units or more shall provide an open space area no smaller than four hundred (400) square feet per dwelling unit.

700 Street and Storm Drainage Design and Construction Standards

All streets and roads proposed as an element of a subdivision shall, at a minimum, meet the standards contained in this section. Further, any proposed subdivision shall have access onto streets and roads that meet the standards set forth herein.
701.1 Plans

A. Plans shall be presented for all streets proposed as an element of a subdivision and shall be submitted with the Preliminary Application. The plans shall include a plan view with contours at an interval of two (2) feet, a profile view at a typical engineering scale, and a cross section view. The final contours shall also be shown on a plan view at the scale of the Preliminary Plan.

B. Approval of the Final Plan shall not constitute or be evidence of any acceptance by the Town of NORWAY of any street, road or easement.

701.2 Design Standards

A. Streets and Roads shall, at a minimum, meet the standards provided in the following table and shall be in accordance with the Typical Cross Section in Appendix A. Streets and roads shall be constructed by the Town or be designed by a qualified professional. Where soils, topographic or other conditions, such as high water table, indicate that additional practices are necessary to provide a serviceable and durable road, the Planning Board may require the design and construction to include such additional practices, including, but not limited to additional gravel or the use of geotextile fabric.

<table>
<thead>
<tr>
<th>Item</th>
<th>Collector</th>
<th>Minor</th>
<th>Private</th>
<th>Common Driveway</th>
<th>Minimum for Public Safety (I)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-Way Width (Minimum)</td>
<td>60'</td>
<td>60'</td>
<td>60'</td>
<td>50'</td>
<td>Existing (6)</td>
</tr>
<tr>
<td>Pavement/Travel Way Width</td>
<td>24'</td>
<td>20'</td>
<td>20'</td>
<td>12'</td>
<td>18'</td>
</tr>
<tr>
<td>Minimum Grade</td>
<td>0.5%</td>
<td>0.5%</td>
<td>0.5%</td>
<td>0.5%</td>
<td>Existing (2)</td>
</tr>
<tr>
<td>Maximum Grade</td>
<td>8.0%</td>
<td>12.0%</td>
<td>12.0%</td>
<td>10.0%</td>
<td>Existing (2)</td>
</tr>
<tr>
<td>Within 50' of Intersections</td>
<td>3.0%</td>
<td>3.0%</td>
<td>3.0%</td>
<td>3.0%</td>
<td>Existing (2)</td>
</tr>
<tr>
<td>Minimum Angle of Intersection</td>
<td>90E</td>
<td>75E</td>
<td>75E</td>
<td>75E</td>
<td>Existing (2)</td>
</tr>
<tr>
<td>Width of Shoulder (Each Side)</td>
<td>4'</td>
<td>2'</td>
<td>2'</td>
<td>1'</td>
<td>1'</td>
</tr>
<tr>
<td>Minimum Width of Sidewalk, Village Area (5)</td>
<td>52&quot;</td>
<td>52&quot;</td>
<td>52&quot;</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Minimum Centerline Radius</td>
<td>500'</td>
<td>200'</td>
<td>200'</td>
<td>150'</td>
<td>Existing (2)</td>
</tr>
<tr>
<td>Minimum Tangent Between Reverse Curves</td>
<td>200'</td>
<td>100'</td>
<td>100'</td>
<td>100'</td>
<td>Existing (2)</td>
</tr>
<tr>
<td>Sub-base (meeting MDOT 703.06 Type D)</td>
<td>15&quot;</td>
<td>12&quot;</td>
<td>12&quot;</td>
<td>12&quot;</td>
<td>12&quot;</td>
</tr>
<tr>
<td>Base (meeting MDOT 703.06 Type A)</td>
<td>6&quot;</td>
<td>6&quot;</td>
<td>6&quot;</td>
<td>Not Required</td>
<td>Not Required</td>
</tr>
<tr>
<td>Base Pavement (Bituminous; After Compaction)</td>
<td>2&quot;</td>
<td>Not Required</td>
<td>Not Required</td>
<td>Not Required</td>
<td>As Exists</td>
</tr>
<tr>
<td>Wearing Course (Bituminous; After Compaction)</td>
<td>1 1/2&quot;</td>
<td>2&quot;</td>
<td>Not Required</td>
<td>Not Required</td>
<td>As Exists</td>
</tr>
<tr>
<td>Minimum Crown</td>
<td>1/4&quot;/ft.</td>
<td>1/4&quot;/ft.</td>
<td>5/8&quot;/ft.</td>
<td>5/8&quot;/ft.</td>
<td>5/8&quot;/ft. (3).</td>
</tr>
<tr>
<td>Dead-End-Street Maximum Length</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum Radius of Right-of-Way at Intersection</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td>Existing (2)</td>
</tr>
<tr>
<td>Minimum Radius of Pavement at Intersection</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Existing (2)</td>
</tr>
<tr>
<td>90 to 75 degrees</td>
<td>25'</td>
<td>25'</td>
<td>25'</td>
<td>25'</td>
<td></td>
</tr>
<tr>
<td>Less than 75 degrees</td>
<td>30'</td>
<td>30'</td>
<td>30'</td>
<td>30'</td>
<td></td>
</tr>
</tbody>
</table>

1 Maine Department of Transportation specifications will be used to establish material quality specifications. These material thicknesses presume a suitable native soil below subgrade. Fine-grained soils having a California Bearing Ratio of less than fifteen (15) percent will generally require additional sub-base material.
Minimum Distance Between Intersections

<table>
<thead>
<tr>
<th>Minimum Distance Between Intersections</th>
<th>300'</th>
<th>200'</th>
<th>200'</th>
<th>200'</th>
<th>Existing (2)</th>
</tr>
</thead>
</table>

Minimum Culvert Size (4)

| Minimum Culvert Size (4) | 15” | 15” | 15” | 15” | 15” |

Minimum Cover Over Culverts

| Minimum Cover Over Culverts | 15” | 15” | 15” | 15” | 15” |

1. Subdivisions generating less than 100 trips per day and served by public roads that are not included in the Town’s Road Improvement Plan shall meet this minimal standard for safe traffic movement and emergency service. When subdivisions exceed 100 trips per day, public roads shall be upgraded to the standard as set forth for the type of road which serves the development.

2. The Board may require the removal of visual barriers such as bankings and knolls that obstruct line of site, the reduction of excessive slopes when such slopes are hazardous and the reconstruction of intersections to create better visibility.

3. Unless paved.

4. As designed, but no less than 15”. Culverts shall be corrosion resistant materials meeting acceptable bearing capacity for the use.

5. Sidewalks are required in the Village Area where the street intersects with an existing street upon which there is a least a sidewalk on one side of the road, or where the Road or Sidewalk Improvement plan proposes a sidewalk on the intersecting street within the 5-year plan horizon.

6. For existing roads, the right-of-way shall be as currently exists provided there is adequate space for drainage and travel way.

B. Dead-end streets shall be avoided whenever possible. When a dead end street is required by the constraints of the parcel, or when phasing of a subdivision results in a temporary dead-end street, a turn-around for use of emergency and other vehicles shall be provided. A cul-de-sac is the preferred turn-around; radius of the right-of-way shall be a minimum of seventy-five (75’) feet while that of the travel way shall a minimum of sixty (60’) feet. If the Planning Board approves a hammerhead in lieu of the cul-de-sac, it shall have a travel way width as per the class of road and a minimum length of each “leg” of forty (40’) feet.

C. All base and sub-base materials will be placed at the optimum moisture content to achieve the desired compaction. The maximum compacted thickness of any layer shall not exceed twelve (12”) inches. Compact all base and sub-base material to at least ninety (90) percent of the maximum density as determined in accordance with ASTM D698. Determine in place density using ASTM D1556 or D2022 or other method approved by the Board. The Board shall determine the frequency of in place testing required.

D. Grade Changes

For all road classifications, grade changes shall be accomplished by parabolic vertical curves of such design that a minimum sight distance of two hundred (200) feet is maintained. In no case shall vertical curves have lengths less than $K \cdot A$, where $A$ is the algebraic difference of the grades in percent, and $K$ is defined in the table below.

<table>
<thead>
<tr>
<th>Design Speed (MPH)</th>
<th>“K” for Crest Curves</th>
<th>“K” for Sag Curves</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>25</td>
<td>33</td>
</tr>
<tr>
<td>30</td>
<td>28</td>
<td>35</td>
</tr>
<tr>
<td>40</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>50</td>
<td>80</td>
<td>70</td>
</tr>
<tr>
<td>60</td>
<td>150</td>
<td>100</td>
</tr>
</tbody>
</table>

E. All roads and streets shall have adequate stormwater drainage facilities to prevent pavement...
flooding, insure good drainage of the road subbase, and prevent erosion. Side slopes shall have a maximum grade of thirty-three (33) percent.

F. Site Distances

Site distances at all intersections shall be as required in Section 601.14, Access Control and Traffic Impacts.

G. Signage

1. All roads shall be provided with traffic-control signs at the expense of the applicant/developer. Signs establishing speed limits, stopping lines, yield locations, and other similar instructions shall be in conformance with Section 645 of the State of Maine Department of Transportation Standard Specifications – Highways and Bridges for Type I signage. Street- and road-name signs shall be provided by the applicant and installed as directed by the Board of Selectmen or its designee.

2. All applicable signage shall be installed prior to acceptance by the town.

800 Additional Requirements and Procedures

801.1 Performance Guarantees

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, at the option of the Planning Board, 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. The conditions and amount of performance guarantee shall be determined by the Planning Board with the advice of any engineer retained by the Planning Board, Road Commissioner and municipal officers.

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.

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 Planning 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, street 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 Planning 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 Planning Board, and the subdivider or contractor. The municipal officers shall take any steps necessary to preserve the Town's rights.

F. Privately-Owned Streets: Where the subdivision streets are to remain privately-owned streets, the following words shall appear on the recorded plan.

"All streets in this subdivision shall remain private streets to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."

801.2 Waivers

A. Where the Planning Board makes written findings of fact that the applicant will suffer an undue economic or other hardship if the requirements of this Chapter are strictly applied, it may waive the necessity for strict compliance with the requirements of this Chapter 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 Chapter, Ordinance or the comprehensive plan.

B. In granting waivers to any of these standards in accordance with Section 404, the Planning Board shall require such conditions as that will assure the objectives of these regulations are met.

C. When the Planning Board grants a waiver to any of the standards or improvements required by this Ordinance, the final plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date that they were granted.

801.3 Inspection and Enforcement

A. At least five (5) days prior to commencing each major phase of construction of required improvements, the subdivider or contractor shall notify the Code Enforcement Officer in writing 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 Planning Board.

B. 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/she shall so report in writing to the municipal officers, Planning Board, and the subdivider or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.

C. 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 Planning Board.
shall be filed with the Town. For major modifications, such as, but not limited to, relocation of rights-of-way, property boundaries, changes of grade by more than one (1) percent, the subdivider shall obtain permission to modify the plans from the Planning Board.

D. Prior to the sale of any lot, the subdivider shall provide the Planning Board with a letter from a registered land surveyor, stating that all monumentation shown on the plan has been installed.

E. Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed town way 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.

F. 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.

801.4 Violations and Enforcement

A. No plan of a division of land within the municipality that would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Planning Board in accordance with this Ordinance.

B. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision that has not been approved by the Planning Board and recorded in the Registry of Deeds.

C. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision that has not been approved as required by these regulations shall be punished by a fine of not less than one hundred ($100) dollars, and not more than two thousand five hundred ($2,500) dollars 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.

D. 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 Planning Board.

E. No person shall establish or develop a subdivision without first having a final plan thereof approved by the Planning Board. "Develop" shall include grading or construction of streets, grading of land or lots, or construction of any buildings.

801.5 Appeals

An aggrieved party may appeal any decision of the Planning Board under this Ordinance to the Board of Appeals within thirty (30) days of the date the Planning Board issues a written order of its decision.

801.6 Effective Date

The effective date of this Ordinance is June xx, 2005.

801.7 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.

801.8 Amendments
A. On 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, or on recommendation of the Planning Board, or on their motion, the Board of Selectmen may present warrants for consideration by the Town to amend, supplement, or repeal the regulations and provisions of this Ordinance.

B. After a public hearing on proposed amendment(s), this Ordinance may only be amended by a majority vote of a Town Meeting.

900 Definitions

In this Ordinance, the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed.

ABUTTER- The owner(s) of property sharing a common boundary with a given piece of property, whether or not these properties are separated by a public or private street or right-of-way. The owners of property shall be considered to be the parties listed by the Tax Assessor of NORWAY as the ones against whom taxes are assessed.

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; livestock; fruits and vegetables; and ornamental and greenhouse products. Agriculture does not include confined feeding operations, forest management and timber harvesting activities.

AGGRIEVED PARTY- An owner of land whose property is directly or indirectly affected by the granting or denial of an approval, permit or variance under this Ordinance; a person whose land abuts land for which an approval, 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 approval, permit or variance.

BACKLOT- Any lot or parcel of land that does not have frontage on a public street or privately-owned street meeting the standards contained in Section 701.

BUILDING- See STRUCTURE

BUILDING PERMIT- The official written document to be displayed at the construction site that grants the authorization for the construction. This document is issued by the Building Inspector.

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 vehicular access-way serving two (2) single-family dwellings that provides access to a street.

CONSTRUCTION- Includes building, erecting, altering, reconstructing, moving upon or any physical operations on the premises which are required for construction. Excavating, fill, drainage, and the like, shall be considered a part of construction.

DIMENSIONAL REQUIREMENTS- Numerical standards relating to spatial relationships including but not limited to setback, lot area, street frontage and height.

DIRECT WATERSHED OF A GREAT POND- Any land area that contributes stormwater runoff either by surface water or subsurface flow to a great pond without such runoff traveling through another great pond.

DITCH- A natural or constructed waterway or outlet shaped or graded to form a parabolic cross section, for safe conveyance of runoff.
DRIVEWAY- A vehicular access-way serving one (1) lot that provides access to a street.

EARTH MOVING- The removal of earth from its original position.

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.

FLOOD PLAIN- The lands adjacent to a water body which have been or may be covered by a regional flood. These areas are defined by the 100-year flood plain as designated on the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

FLOOR AREA- The sum of the horizontal areas of 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 is six (6) meters tall or taller.

FRESHWATER WETLAND- 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, river, stream or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria.

FRESHWATER WETLAND (Shoreland Zone)- freshwater swamps, marshes, bogs and similar areas, other than forested wetlands which are:

A. of ten (10) or more contiguous acres; or of less than ten (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 ten (10) acres; and

B. 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.

GREAT POND- Any inland body of water which in a natural state has a surface area in excess of ten (10) 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.

INDUSTRIAL- The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

JUNKYARD- A yard, field, or other area used as a place of storage for:

A. Automobile graveyards (as defined by M.R.S.A. Title 30-A, Sections 3751-3760).
B. Discarded, worn out or junked plumbing, heating supplies, household appliances and furniture.

C. Discarded scrap and junked lumber.

D. 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 non-ferrous material, and other similar materials.

LOT- An area of land in one ownership, or 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 area of land enclosed within the boundary lines of a lot, not including area of a great pond.

LOT COVERAGE- The percentage of the lot covered by all buildings.

LOT, MINIMUM AREA- The required lot area for a single use.

M.R.S.A.- Maine Revised Statutes Annotated.

MINOR STREET- A street servicing fewer than twenty (20) lots or dwelling units.

MOBILE HOME- A structure designed as a dwelling unit for location on a permanent foundation, and containing sleeping accommodations, a toilet, a tub or shower bath, and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported after fabrication on its own wheels.

MOBILE HOME PARK- A parcel of land under unified ownership approved by the municipality for the placement of three (3) or more manufactured homes. (As contained in State Law.)

MOBILE HOME PARK LOT- The area of land on which an individual home is situated within a mobile home park and which is reserved for the use of the occupants of that home.

MULTI-FAMILY RESIDENTIAL- A residential structure containing three (3) or more residential dwelling units.

NUISANCE- 1) A thing or condition causing danger or annoyance either to a limited number of persons or to the general public or, because of its attraction, to children who will be unlikely to recognize its dangerous quality. 2) Any property or use existing in violation of this Ordinance.

PERSON- An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having joint or common interest, or other legal entity.

PRINCIPAL STRUCTURE- Any building that can fully function on its own with no obvious secondary or dependent relationship to the other, such as a garage, barn or shed.

PRINCIPAL USE- A use other than one which is wholly incidental or accessory to the use of another building or use on the same premises.

PRIVATELY OWNED STREET: A street which is not intended to be dedicated as a town way.

PUBLIC FACILITY- Any facility, including, but not limited to, buildings, property, recreation areas, and streets, easements or rights-of-ways, 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 of commission authorized
to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

PUBLIC WAY- An area or strip of land designated and held by the municipality or the State of Maine for the passage and use of the general public by motor vehicle.

RIGHT-OF-WAY- A strip of land acquired by fee simple, reservation, dedication, prescription, or condemnation. The land reserved for the passage over land of another. The total width of the land area within which a public or private street is located or to be located. (NOTE: For the purpose of establishing building and other improvement setbacks, setback distances shall be measured from the outer most right-of-way limit, NOT the edge of traveled-way or pavement.)

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- See Street

SETBACK- The minimum horizontal distance from a lot line, right-of-way or normal high-water line to the nearest part of a structure.

SHORELAND ZONE - The land area located within two-hundred fifty (250') feet, horizontal distance of the normal high-water line of any great pond or river; within two-hundred fifty (250') feet horizontal distance of the upland edge of a freshwater wetland; or within seventy-five (75') feet of the normal high-water line of a stream.

SIGNIFICANT VIEW LOCATION- Points where scenic views can be accessed as identified in the NORWAY Comprehensive Plan.

SINGLE-FAMILY DWELLING- A structure containing only one (1) dwelling unit for occupation by not more than one (1) family.

STREAM, RIVER OR BROOK- A channel between defined banks. A channel is created by the action of surface water and 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 topography map or, if that is not available, a 15-minute series topography map.
B. It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most years.
C. The channel bed is primarily composed of 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 surface water is present in the stream bed.
E. The channel bed contains aquatic vegetation and is essentially devoid of upland vegetation.

River, stream or brook does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining stormwater or a grassy swale.

STREET- A vehicular public way maintained by the Town of NORWAY or the State of Maine, a private vehicular way shown on a recorded plan and approved by the Planning Board or a private vehicular way over which traffic regularly passes and which is used to access three or more houses. The term street does not include driveways, common driveways, farm roads or logging roads.

STRUCTURE- Anything constructed or erected, the use of which requires a fixed location on or in the ground or in the water, or an attachment to something having a fixed location on the ground, including buildings, signs, commercial park rides and games, carports, porches, and other building features, including stacks and antennas, but not including sidewalks, fences, driveways, parking lots, and field or garden walls or embankment retaining walls.
SUBDIVISION- The division of a tract or parcel of land into three or more lots as defined by State law.

SUBDIVISION, MAJOR: Any subdivision containing more than five (5) lots, dwelling units, or units in a commercial establishment or any subdivision containing a proposed street.

SUBDIVISION, MINOR: Any subdivision containing not more than five (5) lots, dwelling units, or units in a commercial establishment, and in which no street is proposed to be constructed.

SUSTAINED SLOPE- A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

SUBSURFACE SEWAGE DISPOSAL SYSTEM- A collection of treatment tank(s), disposal area(s), holding tank(s) and ponds, 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 M.R.S.A., section 414, any surface wastewater disposal system licensed under 38 M.R.S.A., section 413, sub-section 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or part hazardous waste as defined in 38 M.R.S.A. chapter 13, sub-chapter 1.

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

TRACT, or PARCEL, of LAND- All contiguous land in the same ownership, whether or not the land is separated at any point by: an intermittent or non-navigable stream provided that lands on the opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road at the time the road was established.

UPLAND EDGE- The boundary between upland and wetland.

USE- The purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied.

VEGETATION- All live trees, shrubs, ground cover, and other plants, including without limitations, trees, both over and under four (4") inches in diameter, measured four and one half (4 1/2") feet above ground level.

WETLAND- See Freshwater Wetland.

WATER BODY- Any great pond, river or stream.

WRITTEN PETITION- A petition signed by at least ten (10) percent of the municipal voters in the last gubernatorial election.
The ditch shall have a parabolic bottom section. The triangular section shown for illustrative purposes only.

An alternative design shall be used where sidewalks and/or underground stormwater drainage systems are proposed or required. Such design shall be approved by a Professional Engineer registered in the State of Maine and selected by the Board and hired at the developer’s expense.
### Application Completeness Checklist
#### Preliminary Plan

**Subdivision Name _____________________________**

_____ Application Fee Paid  ____ Escrow Account Established

<table>
<thead>
<tr>
<th>X – Supplied</th>
<th>Generally waived</th>
<th>W – Waived</th>
<th>for minor subdivision</th>
<th>NA – Not Applicable</th>
</tr>
</thead>
</table>

### Submissions – Preliminary Plan (402.2)

<table>
<thead>
<tr>
<th>Status</th>
<th>Major/Minor</th>
<th>Ref.</th>
<th>Submission Requirement</th>
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</thead>
<tbody>
<tr>
<td>A.</td>
<td></td>
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<td>3 copies of all plans and drawings at the same scale as originals provide the Fire Department, Ambulance Service, Road Commissioner, and Superintendent of Schools copies of the Application for their comments and/or suggestions.</td>
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<td>B.</td>
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<td>The plans (maps) shall include the following information:</td>
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<tr>
<td>B.1.</td>
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<td>Plat plan, including:</td>
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<tr>
<td>B.1.a.</td>
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<td>name of the subdivision, name of the municipality, tax assessor's map and lot numbers.</td>
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<td>B.1.b.</td>
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<td>field survey of the boundary lines of the tract by a licensed land surveyor.</td>
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<td>the number of acres.</td>
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<td>the latitude and longitude of all corners of the original parcel for GIS reference.</td>
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<td>B.1.c.</td>
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<td>date prepared, magnetic north point, graphic map scale, names and addresses of the record owner, applicant, and individual or company who prepared the plan, names of adjoining property owners. seal of engineer or surveyor that prepared the Plan.</td>
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<td>B.1.d.</td>
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<td>The proposed lot lines with dimensions, bearings, and lot area and type of monuments.</td>
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<td>B.1.e.</td>
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<td>The location and names of any existing and proposed streets, easements, existing buildings, wetlands, and watercourses, including any river, stream, or brook within or abutting the property.</td>
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<td>widths of existing and proposed streets, easements, sidewalks, buffer areas, parks and recreation areas, and other physical features proposed.</td>
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<td>B.1.f.</td>
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<td>location and size of existing and proposed culverts and drainage ways on or adjacent to</td>
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<td>B.1.g.</td>
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<td>boundaries of any flood hazard areas and the 100-year flood elevation.</td>
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<td>B.1.h.</td>
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<td>open space and buffers to be preserved and information on its management.</td>
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<td>B.1.i.</td>
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<td>land to be dedicated to public use and the conditions of such dedication.</td>
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<td>B.1.j.</td>
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<td>zoning land use boundaries affecting the subdivision.</td>
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<td>B.2.</td>
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<td>Additional plans or maps showing: (may be combined with plat for minor subdivisions)</td>
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<tr>
<td>B.2.a.</td>
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<td>Subdivision layout of lots, roads, easements, and other relevant information.</td>
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<tr>
<td>B.2.b.</td>
<td>Vegetative cover type, and other essential existing physical features.</td>
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<tr>
<td>B.2.c.</td>
<td>Location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property.</td>
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<td>B.2.d.</td>
<td>Contour lines showing elevations in relation to mean sea level.</td>
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<td>B.2.e.</td>
<td>Location of any zoning boundaries.</td>
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<td>B.2.f.</td>
<td>The location of all test pits or borings or other soils and geological information.</td>
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<td>B.2.g.</td>
<td>All stormwater, phosphorus and erosion controls.</td>
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<td>B.2.h.</td>
<td>Pre and post development watershed and subwatershed boundaries, including any watershed boundaries for great ponds.</td>
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<td>B.2.i.</td>
<td>Location and nature of significant wildlife habitats.</td>
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<td>B.2.j.</td>
<td>Location of known historic sites or structures or archaeological resources on or adjacent to the property.</td>
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<tr>
<td>B.2.k.</td>
<td>Location of rare and endangered species on or adjacent to the parcel.</td>
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<td>B.2.l.</td>
<td>Location of natural areas on or adjacent to the parcel.</td>
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<td>B.2.m.</td>
<td>Location of scenic sites or views.</td>
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<tr>
<td>B.2.n.</td>
<td>The names and addresses of owners of record of adjacent property.</td>
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<tr>
<td>B.3.a.</td>
<td>Application form and submittal checklist.</td>
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<td>B.3.b.</td>
<td>Copy of the deed.</td>
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<tr>
<td>B.3.c.</td>
<td>A copy of U.S.G.S. map and town tax map showing location.</td>
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<tr>
<td>B.3.d.</td>
<td>All covenants, deed restrictions, easements or other encumbrances currently affecting the property.</td>
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<td>B.3.e.</td>
<td>Any proposed covenant, agreements, or deed restrictions proposed.</td>
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<td>B.3.f.</td>
<td>Type of sewage disposal to be used.</td>
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<td>B.3.g.</td>
<td>Type of water supply system(s) to be used.</td>
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<tr>
<td>B.3.h.</td>
<td>County soil survey along with soil descriptions and interpretations or more detailed soils information.</td>
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<tr>
<td>B.3.i.</td>
<td>A soil erosion and sedimentation control plan, including guidelines for lots.</td>
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<td>B.3.j.</td>
<td>If in the watershed of a great pond, a phosphorus impact analysis and control plan.</td>
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<tr>
<td>B.3.k.</td>
<td>USGS or similar maps showing the watershed boundary, and the boundaries of natural resources when such areas extend outside the parcel.</td>
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<td>B.3.l.</td>
<td>A traffic impact analysis (site distance only for minor revisions).</td>
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<td>B.3.m.</td>
<td>Measures to protect all rare and endangered species.</td>
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<td>B.3.n.</td>
<td>Measures to minimize impacts on historic sites or structures or archaeological resources.</td>
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<td>B.3.o.</td>
<td>The nature of significant wildlife and measures to protect such habitats.</td>
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<td>B.3.p.</td>
<td>Plans for the management of all buffers and open space, if not shown on the plat plan.</td>
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<td>B.3.q.</td>
<td>Plan for the management of stormwater and surface waters.</td>
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<td>B.3.r.</td>
<td>Cost of development and statements of the applicant's technical and financial capacity.</td>
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<tr>
<td>B.3.s.</td>
<td>Plan for the maintenance of all streets and other improvements proposed for the site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B.3.t.</td>
<td>Offers of cession to the municipality of all public open spaces or information showing the manner in which open spaces are to be maintained.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B.3.u.</td>
<td>The names and addresses of owners of record of adjacent property including any property directly across an existing public street from the subdivision.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Application Completeness Checklist
Final Plan

Subdivision Name ________________________

<table>
<thead>
<tr>
<th>Status</th>
<th>Major/Minor</th>
<th>Ref.</th>
<th>Submission Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>A.</td>
<td>two (2) reproducible, stable-based transparent originals of the plan, embossed with the seal and signed by the professional who prepared the plan.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>B.</td>
<td>Three (3) copies of the plat plan and the most recent copies of all accompanying plans, drawn to the same scale as the original plan.</td>
</tr>
</tbody>
</table>

X – Supplied
W – Waived
NA – Not Applicable

Generally waived
for minor subdivision
WELLHEAD PROTECTION ORDINANCE

FOR NORWAY, MAINE

July, 1993

The purpose of this Ordinance is to provide protection for the municipal water supply for Norway. Specifically, the Norway Water District is served by a well located in the northern part of the Town of Oxford, adjacent to Norway. The wellhead protection area, the area from which Norway's municipal well draws its water, is centered around the well in Oxford, but includes a small portion of the Town of Norway (see map). The well-being of the citizens of Norway, particularly those who live within the Water District, and the viability of economic development within the area, depend upon a safe, reliable drinking water supply. The goal of this Ordinance is to help insure the safety and reliability of the current Norway municipal well by seeking to manage new and existing land uses or other activities which might pose a potential threat to the Norway well. A recent gasoline leak at a business located within the wellhead protection zone of the Norway well necessitated Norway's purchasing water from Paris for 16 months, costing the taxpayers of Maine over $500,000, and illustrating the vulnerability of the Norway well if preventative measures are not taken. This Ordinance represents just such a protective measure.

The Towns of Paris, Oxford and Norway are closely linked economically and by the fact that the Little Androscoggin River Valley Aquifer runs through all three towns. Each Town has a municipal well in this aquifer, and Norway's well has a wellhead protection area which includes all three Towns. Thus, to protect Norway's water supply and those of the other two towns, cooperation among the three towns is essential. The present Ordinance is the result of such a cooperative effort, and has been developed by a Committee of citizens and town officials for each of the three towns, with consulting assistance, under the funding of a Federal grant.

The present Ordinance would regulate just a small portion of land which lies in the wellhead protection area for the Norway well (see map.) Since the Town of Norway does not have an overall zoning ordinance, the present Ordinance is meant to stand alone, and draws largely on existing ordinances and regulations, including Norway's site plan review ordinance, standard appeal and variance procedures, and various already existing State of Maine laws and regulations. This Ordinance is consistent with Norway's Comprehensive Plan (1988) which states: “...it is the policy of the Town to protect and preserve groundwater resources from activities which could limit their drinking quality or quantity.” State Law (Title 22) gives towns broad powers to protect drinking water supplies, and enables Norway to consider the present Ordinance without a broader zoning or land use planning ordinance. Impetus for wellhead protection at the Federal and State levels resulted from 1986 amendments to the Federal Safe Drinking Water Act.

A. PURPOSE
The purpose of the Wellhead Protection Ordinance is to protect the public municipal water supply for the Town of Norway from land uses which pose a threat to the quality and quantity of the groundwater being extracted form the Norway Municipal Well(s).

B. APPLICABILITY

This Ordinance applies to all land uses and activities located or proposed within the area delineated as the Wellhead Protection Area in Norway on a map available for inspection at the office of the Norway Water District and as defined in the definitions section of this Ordinance. The Wellhead Protection Area consists of WHPA 1, WHPA 2, and WHPA 3, described below, for the Norway municipal well(s).

C. ESTABLISHMENT OF WELLHEAD PROTECTION AREAS 1, 2, AND 3

For wells serving more that five hundred (500) persons and located in a unconsolidated (sand and gravel) aquifers, the Wellhead Protection Area (WHPA) consists of three (3) areas (WHPA 1, WHPA 2, and WHPA 3) which are listed and their hydrologic characteristics described below:

1. **WHPA 1**

   WHPA 1 extends from the wellhead to the 200-day groundwater Time of Travel boundary.

2. **WHPA 2**

   WHPA 2 extends from the outer boundary of WHPA 1 to the 1000-day Time of Travel boundary.

3. **WHPA 3**

   WHPA 3 extends from the outer boundary of WHPA 2 to the watershed's groundwater divide or Zone of Contribution if delineated based on technical criteria more stringent than watershed determination.

D. LAND USES

1a. Within the Wellhead Protection Area, certain new land uses that may have the potential to contaminate groundwater are either permitted, not permitted, or conditionally permitted. The latter category of land uses/activities are permitted subject to a Site Plan Review and use of Best Management Practices (see Sections F, G and I). The following Wellhead Protection Area Table lists land uses and potential sources of contamination and indicates whether new instances of such uses are permitted, not permitted, or conditionally permitted.

1b. Expansion of up to 25% of land uses or activities previously existing at the time of adoption of the Ordinance, and which do not conform to the Wellhead Protection Area Table is allowed, provided that:
- Best Management Practices (Section 1 of this Ordinance) are followed
- The addition or expansion does not increase the non-conformity of the use or activity;
- The expansion of the non-conforming use may not be for the purpose of changing that use to another non-conforming use unless the applicant can demonstrate that the new use poses a lesser threat to groundwater than the current use.

Expansion of greater than 25% of such existing uses is treated as a new use, i.e., it is permitted, prohibited or subject to Site Plan Review as per the Wellhead Protection Area Table.

1c. Many of the “Applicable Land Uses or Activities” in the Wellhead Protection Table are defined in Section K of this Ordinance. Where a certain volume, weight or other quantity or a particular substance is involved, but not defined in Section K, the minimum quantity regulated by existing local, State or Federal regulations shall apply.

1d. Household activities which are normal in volume and scope are exempt from this Ordinance.

2. KEY:

    y = permitted

    n = not permitted

    SP = permitted subject to Site Plan Review and use of Best Management Practices.

WELLHEAD PROTECTION AREA TABLE
### Applicable Land Uses or Activities

<table>
<thead>
<tr>
<th>Uses</th>
<th>WHPA 1</th>
<th>WHPA 2</th>
<th>WHPA 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Use, storage, or manufacture of hazardous materials or waste. (1)</td>
<td>n</td>
<td>n</td>
<td>SP</td>
</tr>
<tr>
<td>2. Use or storage of hazardous materials or waste – small quantities. (2)</td>
<td>n (3)</td>
<td>n (3)</td>
<td>SP</td>
</tr>
<tr>
<td>3. Use, storage or manufacture of petroleum products</td>
<td>n</td>
<td>n (4)</td>
<td>SP</td>
</tr>
<tr>
<td>4. Storage, handling and processing of solid waste, including sludge and ash utilization.</td>
<td>n</td>
<td>SP</td>
<td>SP</td>
</tr>
<tr>
<td>5. Disposal of solid waste, sludge and ash</td>
<td>n</td>
<td>n</td>
<td>n</td>
</tr>
<tr>
<td>6. Storage, maintenance, and refueling of commercial vehicles and equipment.</td>
<td>n</td>
<td>SP</td>
<td>SP</td>
</tr>
<tr>
<td>7. Discharge of commercial or industrial wastewater or washwater to a septic system. (6)</td>
<td>n</td>
<td>n</td>
<td>SP</td>
</tr>
<tr>
<td>8. Bulk storage of leachable material, including concrete, asphalt, tar, coal and salt.</td>
<td>n</td>
<td>n</td>
<td>SP (7)</td>
</tr>
<tr>
<td>9. Discharge and impoundment of wastewater and stormwater</td>
<td>n</td>
<td>n (8)</td>
<td>SP (7)</td>
</tr>
<tr>
<td>10. Transportation and utility corridors</td>
<td>n (9)</td>
<td>SP</td>
<td>SP</td>
</tr>
<tr>
<td>11. Demolition of uses in this table</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
</tr>
<tr>
<td>12. Sand and gravel mining; other mining</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
</tr>
<tr>
<td>13. Wells, abandoned or new (10)</td>
<td>SP (10)</td>
<td>SP (10)</td>
<td>y (10)</td>
</tr>
<tr>
<td>14. Parking lots (11)</td>
<td>n</td>
<td>SP</td>
<td>y</td>
</tr>
</tbody>
</table>

1. Refers to large quantities used, stored, or manufactured, e.g., 1 Kg/month (2.2 lb/month) or greater.

2. Less than 1 Kg/month (2.2 lb/month).

3. Allowed only if facility is connected to a municipal sewer system and hazardous materials are legally stored and disposed of.

4. Storage of petroleum products in underground storage tanks is allowed in WHPA 2 only if tanks are dual-walled, with alarm systems as per State of Maine underground storage tank regulations.

5. Storage of a vehicle is defined as storage without use for more than thirty (30) consecutive days.

6. Includes any discharge which could enter the ground.

7. Subject to Best Management Practices. Specifically salt and sand/salt mixtures must be covered so that protection cannot reach them during storage or loading.

8. Stormwater, but not wastewater, discharges and impoundments in WHPA 2 may be considered, subject to Site Plan Review and Best Management Practices.

9. Municipal water and sewer lines are allowed if constructed and tested according to all regulations and codes, including Norway’s Sewer Ordinance.

10. Abandoned wells must be filled with inert, compact natural soil material or as stipulated by National Groundwater Association regulations. Wells must be abandoned according to such regulations, and all piping must be removed. New walls must be constructed and secured so that contamination cannot enter groundwater via either the inside or the outside of the well. Wells must be constructed according to State of Maine regulations. Properly constructed new wells with withdrawals of less than 1000 gallons per day are exempt from this regulation. All properly constructed new wells are allowed in WHPA 3.

11. Lots designed or used for the short or long-term parking of vehicles, when such lots are 1/2 acre in size or greater. (See also Section E, Part 2.)
E. LOT SPECIFICATION

1. The lot size shall be as required by other existing Norway Ordinances, including Norway's Subdivision Regulation, or State of Maine laws and regulations.

2. The percentage of the lot which can be covered by impermeable surfaces, including parking areas, shall be limited as presented in the following table:

<table>
<thead>
<tr>
<th>WHPA</th>
<th>Maximum Lot Coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>30.00%</td>
</tr>
<tr>
<td>2</td>
<td>50.00%</td>
</tr>
<tr>
<td>3</td>
<td>50.00%</td>
</tr>
</tbody>
</table>

F. APPLICATION REQUIREMENTS FOR SITE PLAN REVIEW

For new activities located in WHPA 1, WHPA 2, or WHPA 3 and regulated by the above “Applicable Land Uses or Activities” Table, the applicant for a Site Plan Review has the burden of proof that the proposed activity will not adversely affect groundwater. All applications shall be prepared and considered as per Norway's existing Site Plan Review Ordinance and shall include written information and plan (map) information. In addition, certain land uses or activities may require Site Plan Reviews with additional information as described in Part G of this Ordinance and/or as required by the Planning Board. (See Part G.)

G. ADDITIONAL APPLICATION REQUIREMENTS FOR SITE PLAN REVIEW FOR CERTAIN ACTIVITIES WITHIN THE WELLHEAD PROTECTION AREA

Sections G. 1 - G. 5 present additional information needed for applications for site plan review for certain types of activities within the wellhead protection areas (WHPA 1, WHPA 2, WHPA 3). These Sections include categories which apply to the land uses (“Applicable Land Uses or Activities” Table) in Section D. Uses are grouped by category. More than one of the categories may apply to a particular use. (Applicants should request assistance from the Planning Board should there be questions as to which categories apply.) In addition to standard information required under Norway's Site Plan Review Ordinance (See Part F, Wellhead Protection Ordinance), the Planning Board has the authority to request that the applicant include the following items:

- On-site sewage disposal report from licensed site evaluation or information from local sewer district indicating capacity;
- Special Reports, if relevant;
- soils
- engineering design
- erosion and sediment control plan
- stormwater management plan
- long-term maintenance provisions
- hydrogeologic assessment

- Add existing water bodies, water courses, wetlands, and other significant natural features to plan (map)
- Add WHPA boundaries to plan (map)
- Add location and design of existing and proposed culverts, drains, and other stormwater control structures to plan (map)
- Add location and design of proposed sewer and water lines to plan (map)
- Add engineering plans, profiles and cross-sections
- Add locations, dimensions and profiles of underground utilities to plan (map)

The level of effort and detail requested by the Planning Board for such additional submissions shall depend upon the size and potential impact to groundwater of the proposed land use or activity.

1. Construction/Demolition Activity (This category applies to the majority of applications. Even though construction activity is generally permitted, the Board needs additional information for construction or demolition of the uses listed.) On “Applicable Land Uses or Activities” table, these activities include #6 and #11. Additional land uses may also fall under this category.

   - Provisions for solid waste handling, storage and disposal
   - Provisions for sanitary facility
   - a report which provides:
     - information concerning storage and disposal of waste materials
     - provisions for fuel storage and refueling
     - provisions for storage of any liquid chemicals used in the construction process
     - provisions for storage of any bulk chemicals used in the construction process

2. Stormwater Management (This category included item #9 from the table in Part D, but may also be associated with several additional items on the table or with activities not included on the table.)

   - Engineering calculations and plans which provide:
     - design and capacity of subsurface collection facilities
     - design of dry wells, storage, retention or detention facilities and other surface water impoundments
     - stormwater system outlets

   - delineation of post-development drainage areas
   - plans for ice control, use of road salt, and snow removal
3. Other Impoundments

- Engineering calculations and plans which provide:
  - design and capacity of subsurface collection facilities
  - design of dry wells, storage, retention or detention facilities and other surface water impoundments
  - stormwater system outlets
  - delineation of post development drainage areas
  - plans for ice control, use of road salt, and snow removal
  - description of source of water, use of water and final water quality (water quality parameters to be specified by applicant)
  - amount of consumptive water usefulness

4. Hazardous Materials and Other Chemicals: Handling and Storage
(This section pertains to any commercial site where chemical compounds are handled and/or stored.) These activities may include #1, 2, 4, and 8 from the table in Part D and others.

- Type and volume of chemical compounds handled and/or stored.
- Site plan showing all storage, handling and use areas for raw materials and wastes.
- For outside areas, details to contain spills, including:
  - drainage and contour information to prevent the flow of runoff from entering the storage area and which keep leaks or spills for flowing off site.
  - provisions to collect chemicals should they enter the drainage system
  - provisions to segregate underground systems to insure that there are no cross connections.
  - statement of emergency measures which can be implemented for surface drainage systems.
- For inside areas, details to contain spills including the:
  - design of dikes around rooms;
  - the location of floor drains and floor drain outlets;
  - the location of separators, holding tanks and/or drain outlets;
  - the specific location and design of underground storage structures;
  - the location and design of piping systems for wash waters and other waste liquids to insure that inappropriate wastes are discharged and that wastes are discharged to appropriate sewers or treatment systems.
- A spill prevention and control and countermeasure (SPCC) plan, detailing:
  - materials and equipment to be available;
  - a training plan and schedule;
  - a list of contacts (EPA/DEP/local fire officials) with phone numbers;
  - an inspection schedule
- A report by an industrial engineer or other competent professional detailing:
• steps which have been taken to reduce the use of hazardous materials;
• actions which have been taken to control the amount of wastes generated;
• any reports to provide information on the design theory or methodology for the above features.

5. Petroleum Handling and Storage

This section pertains to sites where petroleum products (fuels, solvents and lubricants) are handled in bulk quantities of over 1,000 gallons.) These activities may include #3, 6, and others from the table in Part D. For the use of petroleum products for machinery or equipment maintenance, or for quantities stored in smaller receptacles such as 55 gallon drums, reference should be made to the Chemical Storage and Handling category.

• Site plan showing storage, handling and use areas for all petroleum products;
• Provisions for heating oil storage;
• For outside areas, details which provide drainage and contour information to prevent the flow of runoff from entering the storage area and to prevent leaks or spills from flowing into surface waters or to areas where they could leach into groundwater;
• Provisions to contain and clean up petroleum products should they enter the drainage system;
  • separators for underground piping systems;
  • emergency measures which can be implemented for open drainage systems;
• Exact location of tanks, piping and separators so that inspection, detection, clean-up or other emergency measures can be accomplished in a timely efficient manner;
• A SPCC plan detailing:
  • materials and equipment to be available;
  • a training plan and schedule;
  • a list of contacts (local fire officials, DEP) with phone numbers; and
  • the inventory recording method and an inspection schedule.

6. Sewage Disposal and Subsurface Injection

This section pertains to subsurface injection activities as defined by State regulations and including septic systems and other on-site sewage disposal. These may include Item #5, 7, and others from the Table in Section D.

• Provisions for sewage disposal, including:
  • soil evaluator's report and septic system design;
  • in WHPA 1 and WHPA 2, for sites/uses producing more than 1,000 gallons per day of sewage, a hydrogeologic analysis of nitrate concentrations at the property line;
  • in WHPA 3, for sites/uses producing more than 2,000 gallons per day of sewage, a hydrogeologic analysis of nitrate concentrations at the property line;
  • in WHPA 1 and WHPA 2, evaluation of public/private sewer system capacity and integrity of sewer lines serving the development by a Registered Engineer or the sewer system superintendent;
7. Other Water Supplies
This Section pertains to all surface water or groundwater supplies other than domestic wells. This Section may apply to item #13 from Section D. Other water uses (except domestic) may also be included in this category.

- Hydrogeologic report identical to that required for State approval of new water supply.

8. Installation of Monitoring Wells
This Section pertains to all monitoring or observation wells. This Section may apply to #13 and others from Section D. Other activities may also include monitoring wells.

- Location and construction specifications;
- Intended purpose;
- Sampling schedule;
- Provisions for informing appropriate Town body of sampling results.

H. CONTROL OF EXISTING CONTAMINANT THREATS

1. The Code Enforcement Officer shall have the right to enter, during reasonable hours after reasonable notice, and inspect all premises which carry on the uses listed in the preceding table (Section D) and requiring site review on premises located in one of the Wellhead Protection Areas (WHPA 1, WHPA 2, or WHPA 3). The Code Enforcement Officer may be accompanied by a representative of the Water District or Water Department including a consultant employed by them. If the Code Enforcement Officer is denied the right to enter and inspect the premises, the Code Enforcement Officer may seek an administrative warrant for entry and inspection.

Further, the Code Enforcement Officer shall have the right, upon 24 hour notice, to conduct such testing as the municipality and water district may deem appropriate to determine that Management Practices and groundwater pollution control devices are in good condition and are working properly. Such testing shall be at the owner's expense. Also, if contamination is present, the owner shall reimburse the municipality or water district for the initial testing.

2. When the municipality or district can clearly show that groundwater monitoring in the wellhead protection area will serve to protect the public water supply from existing or potential threats from uses requiring a Site Plan Review in the Table, (Section D), the municipality and the water district shall have the right to install groundwater monitoring wells on premises within the wellhead protection areas which carry on the land uses listed. The municipality and water district shall further maintain the right to sample such wells.

Such well installation and sampling shall be at the municipality's or water district's expense. Should initial testing reveal groundwater contamination, subsequent testing shall be at the owner's expense. Also, if contamination is present, the owner shall reimburse the municipality or water district for the well installation, the initial testing, and all other associated expenses.

3. Facilities within the wellhead protection districts which conduct activities listed in the Table
(Section D) which require a Site Plan Review, shall incorporate the Best Management Practices (BMPs) required in Section I of this Ordinance, according to the schedule listed in Section I. For each BMP listed in Section I, a time for implementation is given. This time is generally a certain number of months or years after the adoption of this Ordinance.

I. BEST MANAGEMENT PRACTICES FOR WELLHEAD PROTECTION AREA

1. All development located within the Wellhead Protection Area (WHPA 1, 2, and 3) shall comply with the Best Management Practices contained in Section I, Parts 4 – 11. Best Management Practices, as applied in the State of Maine, are management practices which will minimize the impacts of the activity on water and quantity. In some instances, there may be more than one management practice which could be chosen to accomplish the same result. In other instances, depending on the site location and on-site conditions, more than one management practice may be needed to mitigate the problem fully.

2. The Planning Board may adopt, by reference, as a part of this section, additional Best Management Practices which have been published by or in conjunction with the Maine Department of Environmental Protection.

In so doing, the Planning Board shall hold a public hearing which shall be posted in the Town Office and advertised in a paper of general circulation at least twice with the first notice being at least seven days prior to the date of the hearing.

3. For existing facilities, see Section H3. For new facilities within the Wellhead Protection Area, the BMPs shall be put into effect immediately.

4. Chemicals, petroleum and waste handling on construction sites:

   a. The collection and disposal of petroleum products, chemicals and wastes used in construction shall conform to the following:

      (1) Collect and store in closed, clearly marked water-tight containers, which are on raised pallets and protected from the weather.

      **Implement within:** upon adoption

      (2) Fertilizers and landscaping chemicals such as herbicides and pesticides shall be applied following appropriate Best Management Practices developed by the Maine Department of Agriculture in conjunction with the Maine Department of Environmental Protection.

      **Implement within:** upon adoption

5. Storm Water Runoff/Snow and Ice Control

   a. Drainage systems, including detention basins, drainage ways, and storm sewer systems, shall be maintained in order to insure that they function properly, including cleaning storm drains twice a year.

      **Implement within:** 6 months

   b. Chemicals and wastes shall be stored in such a manner to prevent rainfall from
contacting them.

Implement within 1 year

c. Runoff from parking lots should be diverted to storm water drains if present.

Implement within next parking lot reconstruction

d. Reduced amounts of sand/salt should be used.

Implement within 1 year

e. Snow melt from parking lots should be diverted to storm water drains if present.

Implement within 2 years

f. Parking lots should be maintained on a yearly basis, including cleaning catch basins and sweeping the parking lots on a semi-annual basis. Cracks should be sealed on a yearly basis.

Implement within upon adoption

6. Industrial and Maintenance Operations

a. A plan detailing the reuse, recycling, or proper disposal of waste chemicals shall be maintained, and updated as needed. Provisions shall be made to implement the plan.

Implement within 1 year

b. Buildings, rooms and areas where potential pollutants are used, handled or stored shall be designed to contain spills or leaks. Specifically, floor drains shall not be used except as required by fire regulations. A waterproof dike shall be placed around areas where potential pollutants are used, handled or stored to contain accidental spills. The dike shall have an equivalent volume to the amount of material stored or used in the room.

Implement within 2 years

c. Spill/leakage prevention and detection programs shall be maintained and updated.

1. Plans shall insure the regular collection and transport of chemicals;

2. Plans shall provide for inspection of containers and storage areas on a regular basis.

Implement within 1 year

d. A spill clean-up plan shall be maintained and updated annually. The plan shall:

1. Insure adequate materials and equipment are available;

2. Insure that personnel are trained;

3. Insure that the local fire department is knowledgeable of clean-up procedures.

Implement within 1 year
e. Wash waters and other dilute wastes shall be treated in accordance with State Law.

1. Wastes shall be discharged to sewer systems where possible;

2. Grease traps and oil separators shall be installed where necessary.

    Implement within 1 year

7. Septic/Sewage Disposal

a. Sewer/septic systems and on-site sewage disposal shall be designed by competent professionals using sound engineering practices, per existing ordinances or plumbing code, whichever is more stringent.

    Implement within upon system replacement

b. Construction of sewers and septic systems shall be carefully inspected to insure proper installation per existing ordinances or plumbing code, whichever is more stringent.

    Implement within upon system replacement

c. Sewer systems shall be tested for leakage, according to State standards, Norway's Sewer Ordinance, or district regulation, whichever is more stringent.

    Implement within 2 years

d. Provisions shall be made to maintain sewer and septic systems.

    Implement within upon adoption

e. Sewers and drainage systems shall be designed to insure that storm water does not enter sanitary sewers.

    Implement within upon system reconstruction

f. For cluster systems, 1,000 gallon septic tank capacity shall be provided for each 300 gallons of flow. Design flows for leachfields shall be less than 2,500 gallons per day.

    Implement within 10 years, or upon replacement, whichever is earlier

g. Chemicals and industrial wastes shall not be discharged to septic systems.

    Implement within upon adoption

h. Floor drains and storm water drains shall not be discharged to septic systems.

    Implement within 2 years

8. Waste Disposal/Handling Facilities

a. Inert Fill

1. For WHPA 1 and WHPA 2, disposal areas shall be set back 75 feet from wetlands as defined in the Natural Resources Protection Act (NRPA) and located a minimum of 2 feet above the seasonal high groundwater table.
Implement within 1 year

2. For wastes other than concrete, stone and brick, the Board shall be provided documentation from a U.S. EPA-Certified laboratory that wastes are inert.

   Implement within 1 year

b. Transfer Station/Recycling Facilities

1. All facilities and storage areas shall be located such as to have a minimum of 5 feet above the seasonal high groundwater table.

   Implement within 1 year

2. Sanitary wastes shall be disposed into a public sewer or in accordance with State Plumbing Code.

   Implement within upon adoption

3. If water clean-up of facilities is used, the water shall be discharged to a public sanitary sewer. If no public sanitary sewer is available, dry clean-up procedures shall be used.

   Implement within upon adoption

4. Gravel, asphalt, or concrete pads, and steel or aluminum containers shall be used for storage facilities for white goods and tires.

   Implement within upon adoption

5. Facilities shall not be located in a 100 year floodplain.

   Implement within upon adoption

6. An Operating Manual shall insure that only non-hazardous municipal solid waste is accepted.

   Implement within upon adoption

7. For Recycling Facilities, an Operating Manual shall insure that only clean, marketable recyclables are collected.

   Implement within upon adoption

8. For Recycling Facilities, storage of residuals shall be accomplished to prevent spillage and leaking.

   Implement within upon adoption

c. Municipal, Commercial, Industrial and other special wastes

1. All handling, storage and transfer shall comply with Department of Environmental Protection rules.

   Implement within upon adoption

d. Hazardous Wastes shall be limited to small quantity generators, as defined by the State Hazardous Waste Rules.

   Implement within 10 years
e. Junkyards/Metal Processing

1. Fluids shall be removed in a secure area and stored for appropriate disposal, as per State Hazardous Waste Rules.
   **Implement within upon adoption**

2. Fluids shall be disposed in accordance with state and federal laws.
   **Implement within upon adoption**

3. Records shall be maintained to indicate the quantities of fluids handled.
   **Implement within upon adoption**

9. Chemical and Petroleum Handling and Storage

a. Nonhazardous chemicals shall be substituted for hazardous varieties whenever possible.
   **Implement within 2 years**

b. A detailed inventory shall be maintained.
   **Implement within upon adoption**

c. Provisions shall be made to clean up all spills immediately with an absorbent material or other methods and dispose of them properly.
   **Implement within upon adoption**

d. Hazardous materials shall be stored in secure, corrosion resistant containers.
   **Implement within upon adoption**

e. Bulk storage shall comply with all State laws and regulations or within the provisions below, whichever is more stringent.
   **Implement within upon adoption**

f. Bulk storage shall be in above-ground, corrosion resistant tanks in WHPA 1 or WHPA 2. Additionally, where feasible, above-ground storage should also be used in WHPA 3. The following provisions shall be complied with:

   1. A diked area shall be provided around tanks to contain spills. The volume of diked area shall equal 150% of the volume of product stored.
   2. A roof shall be provided over containment areas to prevent collection of rainwater.
   3. Drains shall not be installed in containment areas.
      **Implement within 10 years**

g. If underground storage is necessary in WHPA 3, corrosion resistant double walled tanks with alarm systems shall be provided and records shall be kept. The system including piping shall be tested prior to use. Underground piping and transmission lines
shall be inspected and tested upon installation and on an annual basis, thereafter.

Implement within 10 years, or upon replacement, whichever is sooner

h. All floors shall be concrete or an impermeable, hardened material.

Implement within 10 years

i. In WHPA 1 and WHPA 2, non-bulk chemicals shall be stored inside. Such storage areas shall comply with the following:

1. floor drains shall not be used in WHPA 1 and WHPA 2 and shall only be used in WHPA 3 when required by fire regulations.

2. storage and handling areas shall have waterproof dikes around perimeter so as to contain spills.

Implement within 10 years

j. Spill and leak detection programs shall be maintained and updated annually.

Implement within upon adoption

k. If floor drains are required by fire regulations, they shall be discharged to a holding tank. Tanks shall be pumped by a licensed oil or hazardous waste hauler, as appropriate. Tanks shall be equipped with gauges to determine used capacity.

Implement within upon adoption

l. Tanks shall be equipped with automatic shutoffs or high level alarms.

Implement within 5 years

m. Oil and water separators shall not be used to remove dissolved compounds or oil and greases which had been subjected to detergents.

Implement within 5 years

n. In WHPA 1 and WHPA 2, loading areas shall be covered to prevent the mixing of storm water and spilled chemicals. Concrete or other impermeable pads shall be provided under transfer and handling areas.

Implement within 5 years

o. Procedures shall be established to catch and store chemicals spilled at loading docks and other transfer areas.

Implement within upon adoption

p. Provisions shall be made to periodically inspect and test tanks and lines for leaks.

Implement within 1 year

q. The facility and equipment shall be designed to:

1. prevent tank overflows; and

2. prevent line breakage due to collision.
Implement within upon adoption

r. Provisions shall be made to have:

1. emergency diking materials available;

2. emergency spill cleanup materials available.

Implement within upon adoption

s. Exterior transfer and handling areas shall be sloped as to prevent runoff from other areas from entering the handling area, but to contain small quantities of spilled product

Implement within 5 years

t. Residential storage tanks shall be located in cellars or on a concrete slab above-ground if outside.

10. Mining, Including Sand and Gravel

a. Limit depth of excavation

1. In WHPA 1 and WHPA 2, excavation shall be limited to 5 feet above the seasonal high water table.

Implement within upon adoption

2. In WHPA 3, if excavation is proposed such that there will be less than 5 feet separation between excavation limits and the groundwater table, a hydrogeologic investigation at the owner's expense must be done to assess the potential adverse impact including potential contamination and reduction in recharge of this proposed excavation.

Implement within 2 years

3. If water supply wells are present within 500 feet of the proposed excavation, groundwater monitoring wells shall be installed at the owner's expense.

Implement within 2 years

b. If dust control is needed for haul roads, water shall be used. Salting and oiling of roads is prohibited.

Implement within upon adoption

c. Petroleum Storage

1. WHPA 1 and WHPA 2, petroleum products shall not be stored in the pit. Refueling shall not occur within the pit unless the refueling occurs on an impervious surface with a berm sufficient to contain a spill.

Implement within upon adoption

2. In WHPA 3, if petroleum storage is proposed, provide above ground fully contained storage and refueling area. Provisions must be made for rain falling in the containment area. A roof is preferable. For large operations, a covered,
impermeable refueling/maintenance area shall be provided.  
Implement within 2 years

3. A spill prevention plan shall be maintained and updated.  
Implement within upon adoption

4. A reclamation plan shall be provided, maintained and used.  
Implement within upon adoption

11. Intensive Open Space Uses (These provisions shall apply to WHPA 1 and WHPA 2 only).

a. Soil tests shall be used to determine proper amount of nutrients and limestone (pH adjustment) to be applied.

b. Nutrients shall be applied uniformly and only at levels required.

c. Split fertilizer applications should be used for new planting, where possible.

d. A slow release form of fertilizer should be used, where possible.

e. Nutrients shall not be applied to very shallow soils.

f. Chemical fertilizer application equipment shall be calibrated.

g. Irrigation shall be scheduled to minimize leaching potential.

h. Limit applications of nitrogen fertilizers to the spring or fall (prior to June 5 or after August 15.)

i. Nutrients shall not be applied during winter months when ground is frozen or snow covered.

j. Fertilizers and manure shall be stored in properly located and constructed facilities.

k. All federal and state laws regulating pesticides and herbicides shall be followed.

l. Material safety data sheets shall be kept accessible.

m. Application of fertilizers and pesticides shall be accomplished by certified applicators.

n. Secure, safe storage shall be provided for used pesticide containers and disposal of containers shall be in accordance with federal and state law.

o. Records of fertilizer, pesticide and herbicide use shall be kept.  
Implement within 1 year
J. APPEAL AND VARIANCE PROCEDURES

1. Types of Appeal and Appeal Procedures

Any landowner or other citizen who believes that he or she is adversely affected by the Wellhead Protection Ordinance or by a decision deriving from that Ordinance may make an appeal to the Board of Appeals, Town of Norway. Such an appeal shall follow established rules and procedures of the Norway Board of Appeals. Further appeals to the Superior Court shall follow established procedures of local and State laws. Two types of appeals may be considered: Administrative Appeals and Variance Appeals. Administrative Appeals shall be handled as per current Norway Board of Appeals rules and procedures. Variance Appeals are discussed in Part 2. Also, for existing land uses and activities, delays in the implementation of Best Management Practices may be granted under the conditions outlined in Part 3.

2. Variance Appeals

Variance Appeals shall be granted only when the applicant can show, by means of one or more of the criteria listed below, that his proposed activities or land uses will not adversely affect the groundwater quality for the Norway municipal well. The burden of proof is with the applicant. Criteria are listed below:

A. Demonstration of a confining layer in the subsurface but above the water table sufficient to prevent any activity proposed by the applicant from contaminating the groundwater beneath the confining layer.

B. Demonstration that the activities or land uses proposed by the applicant will have no measurable effect on water table levels or recharge to the aquifer and will cause no contamination to groundwater or will cause contamination of such minute quantities as to be undetectable at the wellhead for the municipal well.

C. The applicant proposes an activity or land use in WHPA 3 and can demonstrate the technical and financial capabilities to both detect and remediate any groundwater contamination above the MCLs current at the time (the stricter of State, local or Federal MCLs), before such contamination can reach the outer boundary of WHPA 2.

D. The applicant can demonstrate that groundwater beneath his site flows away from the Norway municipal well even under the maximum realistically expected pumping rate for the well during a time of drought.


The Board of Appeals may double the time given for implementation of Best Management Practices in Section 1 of this Ordinance if any one of the following conditions can be met by the applicant. Only one (1) such extension may be granted. If the Best Management Practice in Section 1 is to be implemented “upon adoption” of this Ordinance, the Board of Appeals may grant a one-time extension of one year from the time of application or two years from the time of adoption of the Ordinance, whichever occurs first. Criteria for deadline extension are listed below. (Any one must be met):
A. The applicant meets any one of criteria A – D in Part 2, Section J;

B. The applicant demonstrates that meeting the deadline stipulated necessarily jeopardizes employment levels;

C. The applicant demonstrates that he/she has made all reasonable efforts, in good faith, to make or finance the necessary changes for Best Management Practices and that these efforts have been or will be unsuccessful within the prescribed deadline, but that these efforts would be successful within the extended deadline.

D. The strict application of the terms of this Ordinance would result in undue hardship. The term “undue hardship” shall mean:

1) That the land in question cannot yield a reasonable return unless a variance is granted;

2) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

3) That the granting of a variance will not alter the essential character of the locality; and

4) That the hardship is not the result of action taken by the applicant or a prior owner.

K. DEFINITIONS

1. Construction of Language

In the interpretation and enforcement of this Ordinance, all words other than those specifically defined in the Ordinance shall have the meaning implied by their context in the Ordinance 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 words “shall” and “will” are mandatory, the word “may” is permissive.

The word “lot” includes the words “plot” and “parcel”.

The word “building” includes the word “structure”.

The words “Town” or “Municipality” means the Town of Norway, Maine.

2. DEFINITIONS

Aquifer
A permeable geologic formation, either rock or sediment, that when saturated with groundwater is capable of transporting water through the formation.
**Best Management Practices**
Operational procedures for handling, storage and disposal of regulated substances and procedures which are designed to minimize the impact of certain activities or land uses on groundwater quality and quantity.

**Chemical Bulk Storage**
Storage of a chemical or chemicals in a container or containers larger than those intended for normal homeowner or retailer purposes. Proper, non-commercial, homeowner use of chemicals is not included.

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

**Conforming**
A building, structure, activity or land use which complies with the provisions of this Ordinance.

**Construction**
Includes building, erecting, moving or any physical operations on the premises which area required for construction. Excavation, fill, paving and the like shall be considered part of construction.

**Construction and Commercial Equipment and Vehicle Storage**
Storage of construction equipment or other commercial vehicles in excess of 30 consecutive days in which the equipment is not used.

**Demolition of Uses Listed in This Table**
Demolition of facilities, buildings, etc. associated with the land uses or activities listed in the Wellhead Protection Area Table by a contractor or commercial operation. Expansion of existing land uses, activities, or structures is defined and governed by part 1b of Section D of this Ordinance.

**Dump**
(see “landfill”)

**Floor Drain**
An opening in the floor that leads to the ground and/or is not permitted under other State, Federal or local regulations; work sinks which lead to such drains are included.

**Fuel Oil Distributor; Fuel Oil Storage**
The storage of fuel for distribution or sale. Storage of fuel oil not for domestic use, i.e., not in tanks directly connected to burners.

**Gas Station, 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.
Groundwater
The water contained within the interconnected pores, cracks or fractures located below the water table of a confined or unconfined aquifer.

Groundwater Contamination
Presence of any substance, designated by the U.S. EPA or the State of Maine as a primary or secondary water quality parameter, in excess of the maximum allowable contaminant level (MCL).

Hazardous Material
Any gaseous, liquid or solid materials or substances designated as hazardous by the U.S. Environmental Protection Agency and/or the Maine Department of Environmental Protection.

Hazardous Waste
Any substance identified under chapter 850, Identification of Hazardous Wastes, of the rules of the State of Maine, Department of Environmental Protection, effective date July 1, 1980, including revisions or amendments thereto, and any radioactive waste material which means any solid, liquid or gas residue, including but not limited to spent fuel assemblies prior to processing, remaining after the primary usefulness of the radioactive material has been exhausted and containing nuclides that spontaneously disintegrate or exhibit ionizing radiations.

Heating Oil Storage (Consumptive Use)
Storage for heating oil in excess of 660 gallons. (Tanks with capacity between 50 gallons and 660 gallons are regulated by the Oil and Solid Fuel Board).

Industrial
Any activity which includes the assembling, fabrication, servicing, manufacturing, storage, packaging, processing or shipping of goods, or the extraction of minerals.

Industrial Waste
Wastes resulting from the processes employed in industrial manufacturing, trade, or business establishments.

Intensive Open Space Uses
Uses of open space, such as golf courses and power lines, which have the potential, because of their duration, frequency or nature to significantly alter the environment, particularly the groundwater quality and quantity, associated with the open space.

Junk/Salvage Yard
A yard, field or other area used as a place of storage for:

1. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
2. Discarded scrap and junked lumber;
3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap or ferrous or non-ferrous material;
4. Used tires, discarded tires, or worn-out tires which may or may not be usable now or in the future;

5. Town garbage dumps, waste dumps and sanitary fills will not be considered junkyards for the purpose of this Ordinance;

6. Three or more unserviceable, worn-out vehicles.

**Landfill**
An area used for the placement of solid waste, liquid waste or other discarded material on or in the ground.

**Leachable Material**
Material, including salt and certain components of concrete, asphalt, tar, coal, etc., which is readily soluble in water and thus easily removed and transported in solution by meteoric and/or groundwater.

**Mining or Mineral Extraction**
The removal of geologic materials such as soil, topsoil, loam, sand, gravel, clay, metallic ores, rock, peat, or other like material from its natural location, and transportation of the product removed away from the extraction site.

**Nonconforming Use**
A building, structure, use of land or portion thereof, existing at the effective date of adoption or amendment of this Ordinance, which does not conform to all applicable provisions of this Ordinance.

**Open Space**
Land that is largely free of buildings or other permanent structures.

**Parking Lot**
Lot designed or used for the short or long term parking of vehicles, when such lots are 1/2 acre in size or greater.

**Pesticide, Herbicide Bulk Storage**
Storage of herbicides or pesticides intended for sale or intended for application on commercial premises or intended for application on cash crops. Homeowner storage or storage related to non-commercial gardeners is not included.

**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.

**Salt or Sand/Salt Piles (covered)**
Storage of salt or sand/salt mix intended for municipal, commercial or other use except for homeowner sidewalks, steps or driveways beneath a roof or other structure capable of preventing precipitation from reaching the salt or sand/salt.
Salt or Sand/Salt Piles (uncovered)
Storage of any amount of salt or sand/salt, for any purpose, without a roof or other structure capable of preventing precipitation from reaching the salt or sand/salt.

Site Plan Review
An applicant-prepared document and associated procedure for certain proposed new or expanded developments as per Norway's existing Site Plan Review Ordinance.

Sludge
Residual material produced by water or sewer treatment processes, industrial processes or domestic septic tanks.

Sludge Utilization
The spreading of sludge on the ground or other use of sludge which might expose surface or groundwater to the sludge.

Snow Dump
A location to which snow is transported and dumped by commercial, municipal, or State snow-plowing operations.

Solid Waste
Discarded solid material with insufficient liquid content to be free-flowing. This includes but is not limited to rubbish, garbage, scrap materials, junk, refuse, inert fill materials and landscape refuse. For the purposes of this Ordinance, solid waste includes recyclable materials.

SPCC Plan
Spill Prevention Control and Countermeasure Plan as described in $)CFR, Part 112 of Federal Oil Pollution Prevention Regulations.

Storm Water Drainage
A sewer or other system for conveying surface runoff due to storm events and unpolluted ground or surface water, including that collected by cellar drains, but excluding sanitary sewage and industrial waste.

Stormwater Impoundment
Any structure designed at constructed to contain stormwater runoff.

Subdivision
A subdivision shall mean the division of a tract or parcel of land as defined in Title 30, M.R.S.A., section 4401 and subsequent. The term “subdivision” shall also include such developments as mobile home parks, multiple family dwelling(s), shopping centers, condominiums, and industrial parks where there are three or more units involved.

Subsurface 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.

**Time of Travel Boundary**
A boundary, beyond which, groundwater will take more than a set period of time, (i.e., 200 days) to travel to a given point (i.e., a pumping well). Pumping conditions for defining a time of travel boundary are defined in the proposed Maine Wellhead Protection Program. (November, 1991)

**Transfer Station; Recycling Facility**
Facility designed for temporary storage of discarded material intended for transfer to another location for disposal or re-use; facility which processes discarded material for re-use.

**Utility Corridor**
Right-of-way, easement, or other corridor for transmission wires, pipes or other facilities for conveying energy, communication signals, fuel, water, wastewater, etc. Municipal water supply distribution mains, operational or maintenance facilities are excluded from restrictions in the Wellhead Protection Table.

**Underground Storage Tank**
As defined by State of Maine regulations.

**Waste Disposal, Industrial/Commercial** – see “Industrial Waste”

**Wastewater**
Any combination of water-carried wastes from institutional, commercial and industrial establishments, and residences together with any storm, surface or groundwater as may be present.

**Wastewater Treatment Plant**
Any arrangement of devices and structures used for treating wastewater.

**Watershed**
Land lying adjacent to water courses and surface water bodies which creates the catchment or drainage area of such water courses and bodies; the watershed boundary is determined by connecting topographic high points surrounding such catchment or drainage areas.

**Wellhead**
The specific location of a well (a hole or shaft dug or drilled to obtain water) and/or any structure built over or extending from a well.

**Wellhead Protection Area (Map)**
An area, consisting of 3 portions, WHPA 1, WHPA 2, and WHPA 3, delineated according to Section C of this Ordinance. WHPA 1, WHPA 2, and WHPA 3 are shown on a map at the Norway Water District office.
Well, New
A shaft or pipe placed in the ground for extraction or monitoring of groundwater. Extractions of less than one thousand (1000) gallons per day are exempt.

Zone of Contribution
The area from which groundwater flows to a pumping well.

Given under our hands, this day of October 1993

orddsk:July93.#2

Enacted: November 2, 1993

Supplementary Materials: Image/Photo of Map(s), Diagram(s), and/or Selectboard Signatures included in Image Files Folder on this disk. For this Ordinance, See Item Number(s) listed below:

Item # 97 (Map)