2002

Town of Otis Maine Ordinances

Otis, Me.

Follow this and additional works at: https://digitalcommons.library.umaine.edu/towndocs
Section 1: Purpose

The purpose of this ordinance is to require that all domesticated animals in the Town of Otis be kept under the control of their owners at all times so that they will not injure persons, damage property or create a nuisance. It is also intended to provide for the licensing of dogs and wolf hybrids and ensure the humane and proper treatment of all animals.

The provisions which apply to the owners of a domesticated animal apply equally to any person having its custody or possession.

Section 2: Definitions

A. Owner: any person, firm, organization, partnership, association or corporation which owns, possesses, or has custody of a domesticated animal.

B. Keeper: means a person in possession or control of a dog, wolf hybrid or other domesticated animal. A person becomes the keeper of a stray domesticated animal, other than livestock, if the person feeds that animal for at least 10 consecutive days.

C. At Large: any domesticated animal off the premises of the owner and not under the control of any person by means of personal presence and detention as will reasonably control the conduct of the animal.

D. Dangerous Dog: a dog which has bitten a person who was not a trespasser on the owner’s premises at the time of the incident, or a dog which causes a reasonable person, acting in a peaceable manner outside the owner’s premises, to be put in apprehension of eminent bodily harm.

E. Abandoned Animal: a domesticated animal that has been abandoned (freed, forsaken or deserted) by its owner or keeper.
F. **Animal**: Includes all domesticated and undomesticated animals.

G. **Animal Control Officer or Law Enforcement Officer**: a person who, by virtue of his/her public employment, is vested by law with a duty to enforce this ordinance and enter complaints and summons against the owners or keepers of unlicensed animals following notice of and noncompliance with a violation of state law or this ordinance.

H. **Municipality**: The Town of Otis

I. **Leash**: a hand held device no longer than six (6) feet in length.

J. **Pack**: a dog in the company of three or more other dogs.

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

L. **Boarding Kennel**: means any place, building, tract of land or abode in or on which privately owned dogs or other pets, or both, are kept for their owners in return for a fee.

M. **Breeding Kennel**: means a kennel operated for the purpose of breeding or buying, selling or in any way exchanging dogs for value that exchanges more than sixteen (16) dogs per 12 month period.

N. **Kennel**: means one pack or collection of dogs or wolf hybrids kept in a single location under one ownership for breeding, hunting, show, training, field trials and exhibition purposes.

O. **Stray**: means off the owner’s premises and not under the control of the owner or keeper.

P. **Cruelty**: means every act, omission or neglect, whether by the owner or any other person, where unjustifiable physical pain, suffering or death is caused or permitted.

Q. **Rabies**: a viral disease of the central nervous system (brain and spinal cord) that is almost always fatal.

R. **Rabid Animal**: an animal that has been exposed to possible rabies or confirmed by the Health and Testing Laboratory, using the direct fluorescent antibody (DFA) test of nervous tissue, to have rabies.

S. **Quarantine**: a term used to describe the period of time that a domestic animal is to remain separate and apart from other animals and humans after having bitten or otherwise exposed another domestic animal or human to rabies.

T. **Currently Vaccinated**: domesticated animals are considered currently vaccinated for rabies if at least 30 days has elapsed since the initial vaccination and duration of vaccination has not exceeded the time period recommended for that species based upon the type of vaccine used. A Maine “Certificate of Rabies Vaccination” or a form approved by the Commissioner of the Department of Agriculture, Food and Rural Resources if proof of immunization.

U. **Suspected Rabid Animal**: is any mammal, undomesticated or domesticated, showing signs of rabies or any undomesticated mammal which has potentially exposed, through bite or non-bite exposure, a human or domesticated animal to rabies. It includes any domesticated mammal which has bitten a human or domesticated animal.

V. **Undomesticated Animal**: any mammal considered to be wild by nature by the Department of Inland Fisheries and Wildlife.
W. **Domesticated Animal**: any mammal accustomed to home life; tamed for man’s use; a typical household pet to include, but not limited to: dogs, cats, ferrets, wildlife hybrids and livestock.

X. **Unvaccinated Animal**: an animal with no previous rabies vaccination, an animal whose first vaccination was given within the last 30 days, an animal whose last vaccination has expired (per vaccine manufacturer’s recommendation), or an animal for which no approved vaccine exists.

Y. **Wildlife Hybrid**: is the offspring of a breeding between a domesticated animal and a wild counterpart. This would include but is not limited to coydog, wild/domesticated cat hybrid and wolf/dog hybrids. These animals are considered domesticated but have no established quarantine or isolation period for the incubation of the rabies virus.

Z. **Control**: to limit by reasonable means all domesticated animals from roaming at large and from unnecessary exposure for the suspected rabid animal to humans or to other animals.

Section 3: Animals creating a nuisance by noise.

Anyone owning, possessing or harboring any animal which barks, howls or makes other sounds common to its species, continuously for 20 minutes or intermittently for one hour or more shall be deemed to constitute a nuisance. (Nuisance constitutes causing unreasonable noise, litter, or property damage; the chasing of automobiles, bicycles, or other vehicles; or entering onto school grounds while school is in session.) EXCEPTIONS: dogs barking at trespassers or threatening trespasser on private property on which the dog is situated; or for any legitimate cause for provocation.

Section 4: Running at Large.

It is unlawful for any dog or wolf hybrid, licensed or unlicensed, to run at large except when used for hunting. Any stray or abandoned dog, wolf hybrid or ferret roaming at large shall be impounded or restrained by the Animal Control Officer and taken to an animal shelter. Any dog, wolf hybrid or ferret leaving the property of its owner or custodian must be on a leash of suitable strength or must be under the supervision and verbal control of its master. Any such animal in violation may be impounded by the ACO. Any animal so impounded may be destroyed if it is not claimed within eight (8) days following impoundment. The ACO, his designee or other law enforcement officer, may take the animal to its owner, if known; however, the offender will be subject to a charge of $25.00 for services rendered (payable to the Town) before the animal can be released to its owner.

A person finding a stray dog, wolf hybrid or ferret and taking control of said animal shall take that animal to its owner if known or, if the owner is not known, contact the ACO, Deputy ACO or the County Sheriff who will in turn take the animal to the Ellsworth Small Animal Clinic. (Deliveries to the Animal Shelter can only be made by the ACO, Constable or County Sheriff.)

Section 5: Rabies Prevention.

An owner or keeper of a cat or dog over three (3) months of age shall have that animal vaccinated against rabies. The rabies vaccine must be administered by a licensed veterinarian or under the supervision of a licensed veterinarian. The first vaccination shall be considered good for one (1) year. All subsequent booster vaccinations must be administered every two years.

Section 6: Confinement of Certain Dogs.

Dogs of fierce, dangerous or vicious propensities or in heat shall be properly confined or tied, by the owner or keeper, in a reasonable manner to prevent harm to the public. If the owners or keepers of fierce, dangerous or vicious dogs or dogs in heat are found in violation of this section, such dogs shall be impounded and not released except on the approval of the ACO, the Deputy ACO, the Constable or County Sheriff according to guidelines as stated in the State of Maine Animal Laws Rules and Regulations, and only if all provisions of the Section entitled “Impoundment Fees” have been met.
Section 7: Animal Control Officer (ACO).

A suitable person shall be appointed by the Selectmen who shall be known as and perform the duties of Animal Control Officer. He/she shall hold his/her office for one year and shall receive as compensation an amount as may from time to time be prescribed by the Selectmen. The ACO shall be responsible for the control, regulation and enforcement of all laws related to dogs, cats, domesticated and undomesticated animals, in accordance with Title 7 MRSA Chapter 725.

Section 8: Required Licenses.

All dogs and wolf hybrids kept, harbored, or maintained by their respective owners in the Town of Otis shall be licensed and tagged in accordance with the appropriate laws of the State of Maine - MRSA - 3921. All owners or keepers of domesticated Ferrets housed in the Town of Otis must report such ownership to the ACO.

Section 9: Licensing Fees.

Beginning January 1st and no later than April 1st, of each year, all dogs or wolf hybrids, over the age of six (6) months must be licensed in the Town of Otis by registering the dog(s) or wolf hybrid(s) at the Otis Town Office. Proof of a rabies immunization and neutering, if applicable, must be shown to obtain a license. Exempt dogs shall requiring licensing but no fee is applied.

- 1. Dogs or Wolf Hybrids capable of producing young $ 7.50
- 2. Dogs or Wolf Hybrids incapable of producing young. $ 4.00
- 3. Trained or in training guide dog for visually impaired. Exempt
- 4. Trained or in training dog for hearing impaired. Exempt
- 5. Trained or in training service dog for physically impaired. Exempt
- 6. Trained or in training search and rescue dog. Exempt
- 7. Late fee applied after January 31st. $ 3.00
- 8. Replacement licenses. $ 1.00
- 9. Kennel Licenses (10 dogs per license) $ 21.00
- 10. Kennel Licenses (10 or more dogs) $ 41.00
- 11. Breeding Kennel Licenses $ 50.00
- 12. Boarding Kennel Licenses. $ 50.00
- 13. Animal Shelter Licenses. $ 20.00
- 14. Pet Shop Licenses. $100.00

Section 10: Registry and Notification of Impoundment.

When impounding any animal, the ACO, Deputy ACO, Constable or sheriff shall, at the time of such impoundment, list number and description of violation(s), make a complete registry of the date of impoundment, breed, color, sex, and general condition of the animal as can be reasonably ascertained, and if licensed or unlicensed, and the name of the owner or keeper if known, on a registry form. A copy of this form shall be furnished to the Shelter together with written instructions setting forth conditions under which the animal may be released. When any animal is impounded under the provisions of this article, the person who has control of the Shelter shall, when possible, contact the owner within 48 hours, report to the Town Clerk and ACO a description of the animal and its place of impoundment. If the owner does not claim said animal, then the Animal Shelter shall dispose of the animal by adoption or otherwise in a proper and humane manner consistent with applicable State Laws.

Section 11: Impoundment Fees.

Owners may reclaim their animal by first licensing, if applicable, according to State and Town Regulations, and by paying to the Town a fee of $25.00 for each offense. The owner will also be responsible for any additional costs (such as food, boarding and medical expenses) incurred by the animal at the Shelter prior to reclamation. Fees must be paid and a receipt of same presented to the Shelter prior to the release of an animal. All fees to be
Section 12: Disposition of animals which have bitten humans and/or have been exposed to a contagious disease or viral disease.

The owner or keeper of an animal which has bitten a human, or may have been exposed to a contagious or viral disease shall be served a quarantine notice. The owner or keeper shall confine and control the animal for at least ten (10) days, forty-five (45) days, or six (6) months as ordered by the person issuing the notice. The owner or keeper must observe and obey all written instructions and procedures included in the quarantine notice. Failure to comply with this section may result in fines or penalties described in Section 15. Further, failure to comply with this section may result with a court ordered seizure of the animal to be placed in a state licensed facility that houses such animals. All expenses relating to the confinement and care of the suspect animal shall be paid by the owner or keeper.

Section 13: Animals creating a public health threat.

The municipal health officer or his/her designee shall order suppression and removal of animals and conditions posing a public health threat when there is a reasonable cause to suspect the presence of the a communicable disease or viral disease and the owner or keeper has failed to comply with the properly served quarantine notice.

Section 14: Animal Cruelty:

Any person or keeper of any animal must provide it with a proper shelter and protection from the weather in humanely clean conditions. An indoor shelter must have a temperature that is compatible with the health of the animal and must be adequately ventilated by natural or mechanical means. If a dog or wolf hybrid is tied or confined unattended outdoors under weather conditions that adversely affect the health of the dog (extreme heat or extreme cold), a shelter of suitable size, with a floor above ground and waterproof roof, must be provided to accommodate the animal and protect it from the weather. Food and water (protected from freezing) must be provided to sustain the animal until your return or until they are brought inside your residence.

No animal may be confined in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or extreme cold will be harmful to its health.

Housing for cows and other livestock shall be available to the animal at all times. The shelter can be of three (3) sides with a water proof roof or of natural surroundings. Natural surroundings must include fir trees, with branches of sufficient height, that the animals may gather underneath.

Horses must have a three sided shelter with a water proof roof and dry floor available at all times so they can get under cover during inclement weather or extreme heat.

All animals must have a sufficient amount of food and water (protected from freezing) to sustain them as is compatible with the health of the animal.

Section 15: Violations.

Any person found in violation of any provision contained in this ordinance is subject to the following penalties:

1. A person who removes a license tag or rabies tag or who places either a license tag or rabies tag on another dog or wolf hybrid for which the tag/s were not issued commits a civil violation for which a forfeiture of not more than $100.00 may be adjudged.

2. Violation certified letters, return receipt requested, will be sent to each owner or keeper of an unregistered dog or wolf hybrid between February 1st and April 1st of each year. The violation letter/s will indicate a seven (7) day grace period for which a $3.00 late fee will be assessed for each dog or wolf hybrid.

3. If the owner or keeper of a dog or wolf hybrid does not respond to the violation letter within the seven (7) day grace period then a $10.00 penalty will be assessed for each dog or wolf hybrid.

4. After the seven (7) day grace period the ACO, Constable or County Sheriff will enter a summons and complaint, as soon as possible, for all owners or keepers so notified who fail to comply Section 15, Numbers 2
5. Any person found in violation of any provision contained in Sections 3, 4, 5, 6, 8, and/or 11 shall be subject to a fine of not less than $25.00 and not more than $100.00.

6. Any person found in violation of any provision contained in Sections 12, 13 and 14 shall be subject to a fine of not less than $100.00 and not more than $1,000.00 for each offense.

7. Any fines collected shall be recovered to the use of the Town of Otis and deposited in the separate account as required by MRSA (Use and License Fees Retained by Municipalities).

Section 16: Animal Control Laws.
This Ordinance is to be enforced in addition to any other animal laws that the State of Maine may deem enforceable by the Town of Otis.

Section 17: Severability Clause.
If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

ATTEST: A TRUE COPY:

Laura C. Salisbury
Administrative Assistant

Joyce G. Wasson
Administrative Assistant

Adopted: May 9, 1998
TOWN OF OTIS
ENHANCED 9-1-1 ADDRESSING ORDINANCE

SECTION 1. PURPOSE

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

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 Selectmen and their designees, who are authorized to and shall assign road names and numbers to all properties, both existing and proposed roads, in accordance with the criteria in Section 4 and 5. The Selectmen and their designees shall also be responsible for maintaining the following official records of this ordinance:

A. An Otis map for official use showing road names and numbers.

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

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

SECTION 4. NAMING SYSTEM

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

The following criteria shall govern the naming system:

   A. No two roads shall be given the same name (e.g. no Pine Road and Pine Lane).

   B. No two roads shall have similar-sounding names (e.g. Beech Street and Peach Street).

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

SECTION 5. NUMBERING SYSTEM

Numbers shall be assigned to every parcel as identified by the Tax Maps on file at the Town Office with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, determined by the number origin.

The following criteria shall govern the numbering system:

   A. All number origins begin from the Town Line and proceed North. For dead end roads, numbering shall ordinate 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. If the front door cannot be seen from the main road, the number shall be that of the interval falling closest to the driveway of said structure.

   C. Every structure with more than one principle use of occupancy shall have a separate number for each use or occupancy. (i.e. duplexes will have two separate numbers; apartments will have one road name with an apartment number, such as 235 Maple Street, Apt 2).
SECTION 6. COMPLIANCE

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

A. Number on the Structure of Residence

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

B. Number at the Street Line

Where the residence or structure is over 50 (fifty) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, the mailbox, or on some structure at the property line next to the walk or access drive to the residence or structure.

C. Size and Color of Number

Numbers shall be displayed in a color and size approved for use by the Selectmen and shall be located so as to be visible from the road.

D. Interior Location

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

E. Every person whose duty is to display the assigned number shall remove any different number that might be mistaken for, or confused with, the number assigned in conformance with this ordinance.
SECTION 7. NEW CONSTRUCTION AND SUBDIVISIONS

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

A. New Construction

Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to obtain an assigned number from the Selectmen.

B. New Subdivisions

Any prospective subdivider shall show a proposed road name and lot numbering system of the pre-application submission to the Planning Board. Approval by the Planning Board, after consultation with the Selectmen, shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every 50 (fifty) feet to aid in assignment of numbers to structures subsequently constructed.

SECTION 8. EFFECTIVE DATE

This ordinance shall become effective as of July 1, 1996. It shall be the duty of the Selectmen to notify by mail each property owner and the Post Office of a new address at least 30 (thirty) days before the effective date of its use. It shall be the duty of each property owner to comply with this ordinance, including the posting of new property numbers, within 30 (thirty) days following notification. On new structures, numbering will be installed before final inspection or when the structure is first used or occupied, whichever comes first.

SECTION 9. ENFORCEMENT

A. The Constable, or other designees of the Selectmen, shall be responsible for the enforcement of the provisions of the ordinance.

B. Disfigurement or removal of any road sign(s), lot number(s) or
mailboxes is subject to a fine.

C. Any vehicle blocking a public way excluding emergency vehicles responding to an incident shall be towed at the owner's expense and are subject to a fine.

D. Fines shall not be less than one hundred dollars (100.00) nor more than one thousand five hundred dollars (1,500.00) per event. Any fines shall accrue to the municipality. Any costs incurred by the municipality to enforce this ordinance including court costs and attorney fees shall be the responsibility of the violator(s).

E. Any person giving information resulting in the successful prosecution of a civil action against a violator shall be eligible for an award in an amount determined by the Selectmen.

ATTEST: A True Copy.

** Adopted June 17, 1996**

Sharon L. Perry
Administrative Assistant
Floodplain Management Ordinance
Town of Otis, Maine

Statement of Purpose and Intent

Certain areas of the town of Otis, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in form of federal subsidized flood insurance as authorized by the National Flood Insurance Act of 1968. Therefore, the town of Otis, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with all the requirements of the national Flood insurance act of 1968 (P.L. 90-488, as amended) as delineated in the attached floodplain management ordinance.

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

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

Floodplain Management Ordinance

Article 1 Establishment

The Town of Otis, Maine the elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program, established in the aforesaid act, provides that areas of the town having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood areas. This ordinance establishes a flood hazard development permit system and review procedure for the development activities in the designated flood hazard areas of the town of Otis, Maine.

The areas of special Flood hazard, identified by the Federal Emergency Management Agency in a map entitled "Flood hazard boundary map -- town of Otis, Maine, Hancock County," dated April 18, 1875, is hereby adopted by reference and declared to be part of this ordinance.

Article 2 Permit Required

Before any construction or other development (as defined in article 12), 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 building permits, which may be required pursuant to the codes and ordinances of the town of Otis, Maine.

Article 3 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 and address of the applicant;
B. An address and a map indicating the location of the construction site;
C. A site plan showing location of existing and/or proposed structures, sewage disposal facilities, water supply facilities, areas to be cut and failed, and long dimensions;
D. A statement of the intended use of the structure;
E. A statement as to the type of sewage system proposed;
F. Specification of dimensions of the proposed structure;
G. The elevation in relation to the National Geodetic Vertical Datum or to a locally established datum, if the:
   1. Base flood at the proposed site of all new or substantially improved structures, which
in zone A in is determined 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 contained a basement.

4. Level, in case of non-residential structures only, to which the structures will be flood proofed;

H. A description of a base flood elevation reference point established on the site of all new or substantially improved structures.

I. A written certification by a registered land surveyor that the elevations shown on the application are accurate.

J. Certification by a registered professional engineer or architect that flood proofing methods for any non-residential structures will meet the flood proofing criteria of Article 3 section G subsection 4; Article 6 section G; and other applicable standards in Article 6.

K. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development; and,

L. A statement of construction plans describing in detail how each applicable development standard in Article 6 will be met.

Article 4 Application Fee and Experts Fee

A nonrefundable application fee of $_____ shall be paid to the town clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer and/or Board of Appeals needs the assistance of a professional engineer or other experts. The expert's fee shall be paid in full by the applicant within ten 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 the applicant until the applicant has either consented to such hiring in writing or has been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision of the Code Enforcement Officer appeal that decision to the Board of Appeals.

Article 5 Review of Flood Hazard Development Permit Applications

The Code Enforcement Officer shall:

A. Review all applications for the flood hazard development permit to insure that proposed building sites are reasonably safe from flooding and to determine that all pertinent requirements of Article 6 (development standards) have, or will be met;

B. Utilize, and the review of all flood hazard development permit applications, the base flood data contained in the Flood Insurance Rate Map -- town of Otis, Maine, as described in Article 1. In special flood hazard areas where base flood elevation 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 sources, including information obtained pursuant to Articles 3 section G subsection 1; Article 6, Article 1 and Article 8 section D, in order to administer Article 6 of this ordinance;

C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article 1 of this ordinance;

D. In the review of flood hazard development permit applications, determined that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to section 404 of the Federal Water Pollution Control Act amendments of 1972, 33
U.S.C. 1334;

E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a watercourse;

F. Issue a two-part flood hazard development permit for elevated structures. Part 1 shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an application for part 2 of the flood hazard development permit and shall include an elevation certificate completed by a registered Maine surveyor for compliance with the elevation requirements of Article 6, paragraphs F, G and following review of the application, which review 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 2 shall authorize the applicant to complete the construction project; and,

G. Maintain, as a permanent record, copies of all flood hazard development permits issued and data relevance thereto, including reports of the Board of Appeals on variances granted under the provisions of article 9 of this ordinance, and copies of elevation certificates and certificates of compliance required under the provisions of Article 7 of this ordinance.

Article 6 Development Standards

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

A. New construction or substantial improvements of any structure shall:

   1. Be designed and adequately anchored to prevent flotation, collapse all lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

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

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

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

B. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.

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

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

E. All developments shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of any watercourse.

F. New construction or substantial improvements of any residential structure located within zone A shall have the lowest floor (including basement) elevated to one foot above the
G. New construction or substantial improvements of any non-residential structure located within zone A shall have the lowest floor (including basement) elevated to one foot above the base flood elevation utilizing information obtained pursuant to Article 3, paragraph G subsection 1; Article 5, paragraph B; or Article 8, paragraph D, or together with attendant utility and sanitary facilities shall:

1. Be flood proved to at least one foot above the base flood elevation utilizing information obtained pursuant to Article 3, paragraph G subsection 1; Article 5, paragraph B; or Article 8, paragraph D, so that's below that elevation the structure is watertight with walls substantially impermeable to passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

3. Be certified by a registered professional engineer or architects that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a flood hazard development permit, as required by Article 3, paragraph J, and shall include a record of the elevation above mean sea level of the lowest floor including basement.

H. New or substantially improved manufactured homes shall:

1. Be elevated on a permanent foundation such that the lowest floor is at least one foot above the base flood elevation utilizing information obtained pursuant to Article 3, paragraph G subsection 1; Article 5, paragraph B; or Article 8, paragraph D; and,

2. Be securely anchored to and adequately anchored foundation system to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
   a. Secure anchoring to and adequately anchored foundation system; or by,
   b. 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 and require one additional ties per side); or by,
   c. Frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than that 50 feet long required four additional ties per side).
   d. All components of the anchoring system described in Article 6, paragraph H subsection 2. Shall be capable of carrying a force of 4800 pounds.

I. Floodways—encroachments, including fill, new construction, substantial improvements, and other development shall not be permitted in a floodway which, in zone A riverine areas, is the channel of the river or other watercourse and the adjacent land areas to a distance of 1/2 the width of the flood plain as measured from the normal high watermark to the upland limit of the floodplain, 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 or anticipated development:

1. Will not increase the water surface elevation of the base flood more than
one foot at any point within the community; and,

2. Is consistent with the technical criteria contained in section 2 -- 7 and titled "Hydraulic Analysis" Flood Insurance Study -- The Guidelines and Specifications for Study Contractors, (FEMA 37/ September, 1985, as amended).

J. New construction or substantial improvements of any structure in zone A that meets the development standards of Article 6, including the elevation requirements of Article 6, paragraphs F, G or H and is elevated on posts, columns, piers, piles, "stilts", or has crawlspaces less than three feet in height may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Walls, with the exception of crawlspaces less than three feet in height, shall not be part of the structural support of the building; and,

2. Enclosed areas are not "basements" as defined in Article 13; and,

3. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of floodwater. The signs for meeting this requirement must be either:
   a. Be certified by a registered professional engineer or architect; or,
   b. Meet or exceed the following minimum criteria:
      (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area;
      (2) The bottom of all openings shall be no higher than one foot above the lowest grade; and,
      (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non automatic mechanical means; and,

4. The enclosed areas shall not be used for human habitation; and,

5. The enclosed area may be used for building maintenance, access, parking vehicles, for storing of articles and equipment used for maintenance of the building.

Article 7 Certificate of Compliance

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

A. The applicant shall submit an elevation certificate completed by:

1. A registered Maine surveyor for compliance with Article 6, paragraphs F, G, or H; and,

2. A registered professional engineer or architect, in the case of flood proofed non-residential structures, for compliance with Article 6, paragraph G.
B. The application for a certificate of compliance shall be submitted by the applicant in writing along with a completed elevation certificate to the Code Enforcement Officer.

C. The Code Enforcement Officer shall review the application within 10 working days of receipt of the application and shall issue a certificate of compliance, provided the building conforms to the provisions of this ordinance.

Article 8 Certificate of Compliance

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 five or more acres, or in the case of manufactured home parks divided into two or more lots, assure that:

A. All such proposals are consistent with the need to minimize flood damage.
B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
C. Adequate drainage is provided so as to reduce exposure to flood hazards.
D. All proposals include base flood elevation and, in a riverine floodplain, floodway data.
E. Any proposed development plan shall include a statement that the developer will require that structures on lots in the development be constructed in accordance with Article 6 of this ordinance and that such requirements will be included and any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plots, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

Article 9 Appeals and Variances

The Board of Appeals of the Town of Otis may, upon written application of an aggrieved party, hear and decide appeals from determinations of the Code Enforcement Officer in the administration of the provisions of this ordinance. The Board of Appeals may grant a variance from the requirements of this ordinance consistent with state law and the following criteria:

A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
B. Variances shall be granted only upon:

1. A showing of good insufficient cause; and,
2. A determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
3. A showing that the issuance of a variance will not conflict with other state, federal or local laws or ordinances; and,
4. A determination that failure to grant the variance would result in "undue hardship" which in this subsection 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 determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

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

1. Other criteria of Article 9 and Article 6 section 1 are met; and,
2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

E. Variances may be issued by a community for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or a state inventory of historic places, without regard to the procedures set forth in Article 9, paragraphs A through D.

F. Any applicant who meets the criteria of Article 9, paragraphs A through E shall be notified by the Board of Appeals in writing that:

1. The issuance of a variance to construct a structure below the base flood levels will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage;
2. Such construction below the base flood level increases risks to life and property; and,
3. The applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a flood plain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a flood plain.

G. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a flood hazard development permit, which includes any conditions to be attached to said permit.

Article 10 Enforcement and Penalties
A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this ordinance pursuant to 30A MRSA section 4452.
B. The penalties contained in 30A MRSA section 4452 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:

missing page 13

**Base Flood** -- means the flood having 1 percent chance of being equaled or exceeded in any given year, commonly called the 100-year of flood.

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

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

**Building** --see structure.

**Certificated of compliance** -- a document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this ordinance.

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

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

**Elevated building** -- means a non basement building:

(I) Built, in the case of a building in zones A1-30, AE, A, A99, AO, or AH, to have the top of the elevated floor, elevated above the ground level line by means of pilings, columns, posts, piers, or "stilts"; and,

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

**Elevation Certificate** -- and the official form (FEMA form 81-31, 05/93, as amended) that:

(I) Is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,

(II) Is required for purchasing flood insurance.

**Flood or Flooding** -- means:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
(1) The overflow of inland or tidal waters.
(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(b.) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by ways 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 and an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) (1) of this definition.

Flood Insurance Rates Map (FIRM) -- means an old visual map of a community, on which the administrator of the federal insurance administration has delineated both the special hazard areas and the risk premium zones applicable to the community.

Floodplain or Flood Prone Area -- means any land area is susceptible to be in an inundated by water from any source (see flooding).

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

Floodplain Management Regulations -- means zoning ordinances, subdivision regulations, building codes, health regulations, special-purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. This term describes crime 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 nonstructural 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 the local floodplain maps. Of

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

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

Historic Structure -- means any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary 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 of as contributing to the historical significance of a registered historic district or a district preliminarily determined by the department of the interior or to qualify as a registered historic district.
c. Individually listed by state inventory of historic places and 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 improved 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 reference. This elevation is generally not referenced to the National Geodetic Vertical Datum or any other established datum and is used in areas where mean sea level data is too far from a specific site to be practically used.

**Lowest Floor** -- means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non elevation design requirements described in Article 6 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 the use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

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

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

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

**100 –Year Flood** -- see **Base Flood**

**Regulatory Floodway** -- 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 in riverine areas is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of ½ the width of 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), streams, brooks, ECT.

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

**Start of Construction** -- means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of the permit construction of a structure on a site, such as the pouring of a 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 excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

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

1. Any project were 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 ensure safe living conditions or:
2. Any alteration of a historic structure provided that the alteration would not preclude the structure's continued designation as a historic structure.

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

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

**Article 14 Abrogation**

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

HOLDING TANK ORDINANCE

BE IT ENACTED AND ORDAINED by the inhabitants of the Town of Otis of Hancock County, and is hereby enacted and ordained as follows:

SECTION  I.  PURPOSE

The purpose of this ordinance is to establish procedures for the use and maintenance of holding tanks designed to receive and retain wastewater from residential or commercial uses. It is hereby declared that the enactment of this ordinance is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of this municipality.

SECTION II.  AUTHORITY

This Holding Tank Ordinance is enacted pursuant to Article VIII, part 2, Section 1 of the Constitution of the State of Maine, Title 30-a Section 3001 of the M.R.S.A.

SECTION III.  REPEAL

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

SECTION IV.  SEVERABILITY

If any sentence, clause, section, or part of this ordinance is for any reason declared by the courts to be unconstitutional, illegal, or invalid, it shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance.

SECTION V.  CONFLICT WITH OTHER ORDINANCES

If this Ordinance is found to be in conflict with any other ordinance, then the more restrictive ordinance shall apply.

SECTION VI.  SELECTMEN MAY ADOPT RULES

The Selectmen are hereby authorized and empowered to prepare written guidelines on how to comply with this ordinance. In doing so applicable federal, state and local
standards regarding fire prevention, pollution control, public safety, nuisance, and health shall be given due consideration.

SECTION VII. PERFORMANCE STANDARDS

The following standards shall be utilized by the board in reviewing applications for a holding tank for first time disposal systems. The board shall approve the application unless the board finds that the applicant has not satisfied one or more of the following standards.

A. A holding tank for a first time disposal system shall not be permitted in any area regulated under the Town of Otis Shoreland Zoning Ordinance

B. A holding tank for a first time disposal system shall not be permitted to satisfy the requirements for a seasonal conversion permit under Title 30-A M.R.S.A. section 4215 subsection 2.

C. The installation of a disposal field in conformance with the State Plumbing Code is not feasible due to site conditions, lot conformance or other constraints.

D. The plumbing in the structure shall be modified for maximum water conservation and all water closets shall meet or exceed the State Plumbing Code as defined by Title 30-A M.R.S.A., Section 3003 and Subsurface Wastewater Disposal Rules, Chapter 22, Section 2202.1.3 for 1 gallon flush.

E. A deed covenant shall be required for structures served by a holding tank. As a minimum, the covenant shall include a statement that a holding tank is serving the structure for the disposal of human sewage and wastewater. The aforementioned statement shall be a separate stand-alone section or paragraph. This will be required when any properties are sold after the effective date of this ordinance.

F. The agreement between property owner and tank pumper shall be filed in the town office and indicate the location of the site or sites that the septage will be disposed of. Only those sites approved by the Maine Department of Environmental Protection shall be utilized.

G. The owner shall file with the Town of Otis, a notarized statement agreeing to provide the Plumbing Inspector with copies of all plumbing records

H. The holding tank shall be equipped with a visual and audible alarm device. The alarm shall be located and adjusted in a manner that assures the tank is pumped before its full as stated in the Subsurface Wastewater Rules, Chapter 10, Section 1013.4.
SECTION VIII. APPLICATION PROCEDURE & CONTENT

A. Application procedure:

1. All applications for a holding tank permit shall be in writing on forms provided for that purpose. The Board of Selectmen at their regular scheduled meetings shall receive applications.

2. The applicant, or his duly authorized agent, shall attend the Selectmen’s meeting to discuss the application. The Selectmen shall provide the applicant with a dated receipt at the meeting where the application is first presented.

3. Within 35 days of the date of receiving a written application, the Selectmen or Licensed Plumbing Inspector shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete. The Selectmen or the Licensed Plumbing Inspector 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 Selectmen has a waiting list of applications a decision on the application shall occur within 35 days after the first available date on the Selectmen’s agenda following receipt of the completed application, or within 35 days of the public hearing, if one is held.

4. All applications for a permit for a holding tank for a first time disposal system shall be made in writing, on forms provided for that purpose. The submission shall contain the following information and exhibits:

   a. Name of the owner(s) of record and applicant’s name and address, if different.
   b. A sketch map showing the general location of the property
   c. The tax map a lot number of the parcel
   d. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.

5. A holding tank application approved by the LPI as stated in Subsurface Wastewater Disposal Rules, Chapter 22, Section 2201.1 – 2202.1.4

6. A signed agreement between the property owner and a tank pumper to pump and maintain the tank as stated in the Subsurface Wastewater Rules, Chapter 22, Section 2200.5

7. A report or other documentation from a licensed site evaluator that indicates that due to the site condition, lot configuration, or other constraints, the installation of a system with a disposal field is not feasible.
8. A notarized statement agreeing to a deed covenant, which shall include a statement that a holding tank is servicing the structure for the disposal of human sewage and wastewater.

9. The owner shall file with the Town of Otis the notarized statement agreeing to provide the Plumbing Inspector with all copies of all plumbing records.

B. FEES

An application fee shall accompany all applications for a First Time Holding Tank Permit. The Selectmen shall have the authority to set and revise the fee schedule after holding a public hearing. Fees shall be based on the town’s estimated costs of administering this ordinance.

C. EXPIRATION OF APPROVALS

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

SECTION IX. RESPONSIBILITIES OF OWNER OF IMPROVED PROPERTY

The owner of an improved property that utilizes a holding tank shall:

A. Maintain the holding tank in conformance with this or any other ordinance of the Town of Otis, the provisions of any applicable law, the rules and regulations of the Selectmen, and any administrative agency of the State of Maine, and Subsurface Wastewater Rules, Chapter 22.

B. Permit the Selectmen, or their agent, to collect, transport, and dispose of the contents therein if the owner of the property has not fulfilled above stated responsibility

C. Provide pumping records to the Plumbing Inspector on demand.

SECTION X. ENFORCEMENT

A. Rights and privileges granted

The Selectmen are hereby authorized and empowered to undertake, within the municipality, the control of and methods of disposal of holding tank wastewater and the collection and transportation thereof provided the owner has not fulfilled their responsibilities as defined in section IX of this ordinance.

B. Rates and charges
The Selectmen shall have the right and power to pump, fix, alter, charge, and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

C. Abatement of nuisances

In addition to any other remedies provided in this ordinance, any violation of section IX above shall constitute a nuisance and shall be abated by the municipality or Selectmen by seeking appropriate equitable or legal relief from a court of competent jurisdiction.

D. Local Plumbing Inspector

It shall be the duty of the Local Plumbing Inspector, to be referred to from herein as the “LPI” to enforce the provisions of this ordinance. If the LPI 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 the action necessary to correct it. A copy of such notices shall be maintained as a permanent record.

E. Legal action

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

F. Fines

Any person, including but not limited to the property owner, a property owner’s agent or a contractor who orders or conducts any activity in violation of this ordinance shall be penalized in accordance with title 30-A M.R.S.A., Section 4452. Each day the violation exists shall be considered a separate violation. Fines shall not be less than one hundred dollars ($100.00) nor more than two thousand five hundred dollars ($2500.00) per violation. Any fines shall accrue to the municipality. Any costs incurred by the municipality to enforce this ordinance including court costs and attorney fees shall be the responsibility of the violator(s).

SECTION XI. APPEALS

An aggrieved party may take an appeal to Superior Court in accordance with State of Maine laws within 45 days from the date of any decision of the Board of Selectmen.
SECTION XII. EFFECTIVE DATE

The effective date of this ordinance or any amendments thereto shall be the day immediately following its adoption at a regular or special town meeting. The adoption of this ordinance hereby repeals and supersedes all conflicting administrative provisions of all ordinances adopted prior to the effective date of this ordinance.

SECTION XIII. DEFINITIONS

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

“Aggrieved party” shall mean an owner of land whose property is directly affected by the granting or denial of a permit; or a person whose land abuts or is across a road, street, or body of water for which a permit is granted; or a person or group of persons who have suffered particularized injury as a result of the granting or denial of a permit.

“Commercial” means provisions for services on the premises, or the sale of goods to the general public on a regular basis for a charge or fee and rooms to let.

“Holding tank” A closed, watertight structure designed and used to receive and store wastewater or septic tank effluent. A holding tank does not discharge wastewater or septic tank effluent to surface or ground water or onto the surface of the ground. Holding tanks are designed and constructed to facilitate ultimate disposal of wastewater at another site.

“Improved property” shall mean any property within the municipality upon which there is a structure intended for continuous or periodic habitation, occupancy, or use by humans or animals and from which structure wastewater shall or may be discharged.

“Local Plumbing Inspector” means a person as defined in Title 30-A M.R.S.A., Section 4221 and Section 4451.

“Municipality” Shall mean the Town of Otis, of Hancock County, Maine.

“Owner” shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the municipality

“Person” shall mean any individual, partnership, company, association, corporation or other group or entity.
“Seasonal Conversion Permit” shall mean written authorization issued by the Local Plumbing Inspector to allow the conversion of a seasonal dwelling unit located in the Shoreland zone to a year-round use as defined in Subsurface Wastewater Rules, Chapter 3.

“Wastewater” shall mean any liquid waste containing animal or vegetable matter in suspension or solution, or the water carried wastes from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or other source of water carried wastes of human origin. This term specifically excludes industrial, hazardous, or toxic wastes and materials.

ENACTED AND ORDAINED into an ordinance this day 17th of June A.D., 1996 of the inhabitants of the Town of Otis of Hancock county in a lawful session duly assembled.
Land Use:
Administrative Ordinance

Section 1: Purpose
The purpose of this ordinance is to provide the town with the administrative capability to effectively guide public and private land use decisions in accordance with state law and the town's comprehensive plan.

Section 2: Authority
This land use administration ordinance is an active pursuant to Article 8, part 2, section 1 of the Constitution of the State of Maine, title 30-A section 3001, of the MRSA.

Section 3: Establishment of offices
The town hereby establishes the following land use administrative offices:

1. A Planning Board, pursuant to title 30-A, section 3001, of the MRSA
2. A Board of Appeals, pursuant to title 30-A, section 2691 of the MRSA
3. A Code Enforcement Officer, pursuant to title 30-A, 2601-A, title 38, section 441.

Section 4: Appointments
A. The selectmen shall appoint:
   1. A Planning Board consisting of five members and 2 associate members:
   2. A Board of Appeals consisting of five members and 2 associate members and,
   3. A Code Enforcement Officer.

B. The terms of the members of the Planning Board and Board of Appeals shall be for one year.

C. The term of the Code Enforcement Officer shall be for one year.

D. When a permanent vacancy exists on the Planning Board, Board of Appeals, or Code Enforcement Officer, the Selectmen shall within 30 days of its occurrence appoint a person to serve the unexpired term.

E. The members of the Planning Board and Board of Appeals shall be residents of the town. The Code Enforcement Officer may be a non-resident.

Section 5: General Responsibilities
It shall be the responsibility of the Planning Board and Board of Appeals members and the Code Enforcement Officer to:

1. Become familiar with all the duly enacted ordinances of the town, which they may be expected to act upon, as well as with the applicable state statutes.
2. Become familiar with the community goals, and policies as expressed in the comprehensive plan, and conduct themselves in a manner which will ensure that the goals and policies of the plan are preserved; and
3. To attend all meetings and hearings related to their respective responsibilities, as appropriate.

Section 6: Organization and Duties

A. Officers and duties

The officers of the Planning Board and Board of Appeals shall consist of chairperson, acting chairperson, and secretary, whom shall be elected annually by a majority of their respective boards, with responsibilities as follows:

1. Chairperson: the chairperson shall perform all duties required by law and this ordinance and preside on all meetings of the Board. The chairperson shall decide on all points of order and procedure, subject to this ordinance unless directed otherwise by a majority of the Board. The chairperson shall appoint any committees found necessary to carry out the business of the Board. The chairperson's signature shall be the official signature of the Board and shall appear on all decisions as directed by the Board.
2. Acting Chairperson: the acting chairperson shall serve in the absence of the chairperson and shall have all the powers of the chairperson during the chairperson's absence, disability or disqualification.
3. Secretary: the secretary, subject to the direction of the Board and the chairperson, shall keep minutes of all Board proceedings, showing the vote of each member upon every question, or if absence or failing to vote, indicating such fact, and shall also keep records of all Board official actions.

B. Powers and Limitations

1. The Planning Board shall have the following Powers:
   a. The Planning Board shall perform such duties and exercise such powers as are provided by town ordinances and the State of Maine.
2. The Board of Appeals shall have the following powers to be exercised only upon receipt of a written appeal by an aggrieved party:
   a. The Board may interpret the provisions of any applicable town ordinance, which may be called into question;
   b. The Board may grant a variance only where strict applications of any applicable town ordinance, or provisions thereof, to the petitioner and his property would cause undue hardships. (As defined by the Otis Shoreland Zoning Ordinance, section 16);
   c. The issue of a variance is subject to any specific conditions contained in the applicable town ordinance/regulation;
   d. In granting a variance, the Board of Appeals may prescribe such conditions and safeguards, as they deem advisable in order to protect public interest, health, safety and general welfare and the purpose of the ordinance.
   e. A variance may only be granted for use permitted any particular zone and only for lot area, lot coverage by structures, lot line, set backs, road setback, and frontages. A variance shall not be granted to permit the use or structure otherwise prohibited by ordinance what to reduce the required setback from the normal high water mark; and
   f. The granting of a variance shall not relieve the applicant from obtaining all permits in accordance with applicable state law or local ordinance or regulation.
C. Meetings:

1. The regular meeting of the Planning Board and Board of Appeals shall be held once every month or as necessary.
2. Special meetings of the board, may be called by the chairperson. At least 48 hours written notice of the time, place, and business of the meeting shall be given to each member of the board, the Selectmen and the Code Enforcement Officer.
3. The chairperson shall call a special meeting within 10 days of receipt of a written request from any three members of the board. The request shall specify the matters to be considered at such special meetings.

Section 7: Appeals

A. Appeals

1. Any person aggrieved by an action which comes under the jurisdiction of the Board of Appeals pursuant to section 6, subsection B, 2 of this ordinance must file such appeal, in writing on forms provided within 30 days of the granting or denial of a permit. The applicant shall file this appeal at the town office, setting forth the grounds for his/her appeal. Upon receiving the application for appeal, the town clerk shall notify the chairman of the board.

2. The fee to accompany applicants for appeal shall be $10 checks are made payable to the Town of Otis.

B. Hearings

1. The Board of Appeals shall schedule a public hearing on all appeals applications within 30 days of the filing of a completed appeal application.

2. In the event the Board of Appeals determines to hold a public hearing, it shall cause notice of the date, time and place of such hearing, the location of the building or lot, and the general nature of the question involved, to be given to the person making the application, and to be published in a newspaper of general circulation in the municipality, at least one time, the date of the first publication to be at least seven days prior to the hearing. The board shall cause notice of the hearing to be given to the Selectmen, the Planning Board and the Code Enforcement Officer.

C. Decisions

1. Decisions by the Board of appeals shall be made not later than 30 days from the date of the final hearing.

2. The final decision on any manner before the Board of appeals shall be made by written order signed by the chairperson. The transcript of the testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record. All decisions shall become part of the record and shall include a statement of findings and conclusions, as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented in the appropriate order, relief or denial thereof. Notice of a decision shall be delivered by hand or certified mail to the petitioner, his representative or agent. A copy of said decision must be provided to the Planning Board, Code Enforcement Officer, and the Selectmen within seven days of their decision.

3. The Board of Appeals, in reaching said decision, shall be guided by the standards specified in the applicable ordinance as well as by community goals,
and policies as specified in the comprehensive plan, and by the findings of the Board of each case.

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

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

6. Decisions of the Board of Appeals shall immediately be filed in the town office.

D. Appeal to Superior Court

1. A decision of the Board of Appeals may be taken, within 30 days after the decision is rendered, by any party to Superior Court in accordance with the Maine rules of civil procedure.

Section 8: Code Enforcement Officer Duties

The Code Enforcement Officer shall have the power and duty to:

1. Enforce all applicable provisions of the various building and land use ordinances and regulations adopted by the town;
2. See to the enforcement of all state statutes and regulations relating to the erection, placement, or alteration of structures, and the alteration of land or water bodies;
3. Grant or deny approval to applicants for use in town ordinances requiring permits from the Code Enforcement Officer;
4. Conduct inspections as frequently as may be necessary to insure compliance with town ordinances and regulations of the state laws;
5. Advise applicants as to whether additional approval is required by other municipal officials or state or federal agencies and the procedure necessary to obtain such approval;
6. Notify the Planning Board and Selectmen of any violations of state law or local ordinances and regulations that come to his/her attention;
7. Assist and advise the municipal officers of the town with the enforcement and administration of coastal wetlands law, junk yard law, dangerous buildings law, and similar laws;
8. Assist and advise the Planning Board with all subdivision applications for compliance with all applicable local ordinances and regulations and state law. Issue permits when authorized by the Planning Board, and see that any conditions placed upon permits are complied with the applicant;
9. Attend meetings of the Planning Board and Board of Appeals as requested.
10. Prepares and submits an annual report to the Selectmen of his/her activities including amounts of time spent and number of applicants and/or enforcement actions processed;
11. Have the full powers that are necessary for him/her to perform the requirements of the several applicable local ordinances and state laws he/she is responsible for.

Section 9: Removal

1. The Code Enforcement Officer or any member of the Planning Board or Board of Appeals may be removed from office, for just cause, by the Selectmen before the
expiration of his/her term; but only after an advertised public hearing at which the person in question has an opportunity to refute specific charges against him/her.

2. The term "for just cause" shall include failure to attend three consecutive meetings or hearings without sufficient justification.

Section 10: Conflict of Interest

1. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member of either of the Planning Board or Board of Appeals from voting thereon, shall be decided by a majority vote of the members of the respective boards, except the member whose potential conflict is under consideration.

Section 11: Effective Date

The effective date of this ordinance or any amendments thereto shall be the day immediately following its adoption at a regular or special town meeting. The adoption of this ordinance hereby repeals and supersedes all conflicting administrative provisions of all ordinances adopted prior to the effective date of this ordinance.

Section 12: Validity and Separability

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

Section 13: Conflict with other Ordinances

If this ordinance is found to be in conflict with any other ordinance, than the more restrictive ordinance shall apply.
Town of Otis
Landfill Area Protection Ordinance

Section 1. General Provisions

A. Title
This ordinance shall be known and cited as the landfill area protection ordinance of the town of Otis, Maine and will be referenced to as "this ordinance".

B. Authority
This ordinance is adopted pursuant to the enabling provisions of Article 8, part 2, section 1 of the Maine Constitution, the provisions of title 30-A, MRSA Section 3001 (home rule).

C. Purposes
The purposes of this ordinance:

1. To promote the health, safety, and general welfare of the residents of Otis;
2. To encourage the most appropriate use of land adjacent to solid waste disposal facilities;
3. To avoid the contamination of new groundwater drinking supplies and close proximity to potential contamination sources; and
4. To avoid the potential hazard gas migration from solid waste facility to nearby dwellings.

D. Applicability
The provisions of this ordinance shall govern all land and certain structures within the boundaries of the town of Otis which exist or are proposed within 1500 feet, horizontal distance, of the solid waste boundary of the landfill closed out in accordance with the Maine solid waste management regulations chapter 401.7 and 8, or within 1500 feet of the solid waste boundary of any new solid waste disposal facility licensed in accordance with chapter 401.

E. Availability
A certified copy of this ordinance shall be filed with the municipal clerk and shall be accessible to any member of the public at reasonable cost at the expense of the person making the request. Notice of this availability of this ordinance shall be posted.

F. 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 applicable ordinance, regulation, or statute, the more restrictive provision shall apply.

G. 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.

H. Effective Date
The effective date of this ordinance shall be the date of the adoption at a regular or special town meeting on Saturday, May 11, 1996.

I. Amendments
This ordinance may be amended only by the procedure required for its original enactment.
J. Vested Rights
Non-conformance status cannot arise by the mere filing of a notice of intent to build, an application for building permits, or an application for required state permits and approvals. Such rights usually arise when actual substantial construction has begun, or, in the case of pending applications pursuant to this ordinance, when the substantive review against performance standards on a complete application commences. Such construction must be legal at the time it is commenced with all valid issued permits, both state and local.

Section 2. Non-Conformance

A. Purpose
It is the intent of these provisions to promote land use conformities, except that legally existing non-conforming structures shall be allowed to continue, subject to the requirements set forth in this section.

B. General Requirements

1. Transfer of ownership: Non-conforming structures may be transferred, and the new owner may continue the use of the non-conforming structure subject to the provisions of this ordinance.

2. Repair and maintenance: This ordinance allows, without a permit pursuant to this ordinance, the normal upkeep and maintenance of non-conforming structures including repairs or renovations which do not involve expansion of the non-conforming structure, and such other changes in a non-conforming structure as federal, state, all local building and safety codes may require. Normal upkeep and maintenance includes any work not involving the expansion of the volume or floor area.

C. Non-conforming structure

1. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure pertaining to all applicable land use requirements. Expansions of non-conforming structures are limited to the thresholds established in section 3.C.below.

2. Relocation, Reconstruction Replacement: a non-conforming structure may be relocated, reconstructed, or replaced within the boundaries of the parcel on which the structure is located provided that the site of relocation, replacement or reconstruction conforms to all setback or other dimensional requirements to the greatest practical extent as determined by the planning board. In determining if the relocation, replacement or reconstruction will be accomplished to the greatest practical extent, the planning board shall base its decision on the size of the lot, the physical condition and type of foundation present, if any, the relationship to neighboring properties, the slope of the land, presence of limiting factors such as the presence of ledge or wetlands, the amount of vegetation to be removed, and the location of the septic system and other on-site soils suitable for a septic system. If there is a foundation present and in a condition capable of supporting a replacement structure, relocation is not required. And in no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.
Any non conforming structure which is damaged or destroyed by 50 percent or less of the market value of the structure, excluding normal maintenance and repair, maybe reconstructed in place with a permit from the code enforcement officer.
Section 3. Special Approvals

Notwithstanding the setback requirements established in section 4 below, a single-family dwelling and the well serving the same only, may be permitted within the required setback provided the applicant demonstrates that all the following criteria are met:

1. That there is no location on the property, other than a location within the required setback area, with a structure can be located.
2. The lot on which the structure is proposed is undeveloped and was established and recorded in the Hancock County Registry of Deeds prior to the adoption of this ordinance.
3. The total floor area of the single-family dwelling unit is less than 1000 square feet or the septic system design is for 360 gallons per day or less.
4. All structures are setback from the solid waste boundary to the greatest practical extent. In determining the greatest practical extent, the planning board shall base its decision on the size of the lot, the physical condition and type of foundation present, if any, relationship to neighboring properties, presence of limiting factors such as presence of ledge or wetlands, the amount of vegetation to be removed, and the location of the septic system and other on-site soils suitable for a septic system, the configuration of the lot, the slope of the land in relation to the disposal facility, and the movement of groundwater if the information is made available.

Missing page 4

7. Notwithstanding the setback requirements of this section, no structure shall be required to meet a setback requirements which would cause the structure to be placed in non-conformity with a structural set back distance established in the town of Otis Shoreland Zoning Ordinance.

The applicant shall use table 1 to determine the total number of points. The total number of points will determine the total setback distance of the well location. A total of 0 -- 7 points requires a 300-foot minimum setback, 8 -- 11 points require a 600-foot setback, 12 -- 14 points require a 900-foot setback, and 15 -- 18 points requires a 1500-foot setback from the solid waste boundary.

B. Establishment of Uncertainty of Setback Boundary Locations

Where uncertainty exists as to the solid waste boundary or measured setbacks as determined by the code enforcement officer the following rules shall apply:

1. The solid waste boundary shall be as depicted on any drawings submitted as part of a closure plan submitted to the Department of Environmental Protection in accordance with Maine solid waste regulations chapter 401.7 and 8 or other plans developed by a registered engineer or surveyor.
2. The code enforcement officer shall use the plans mentioned in subsection 1. Above and the total number of accumulated points in section 4.A. as a beginning reference for establishing the structure setback distances from the solid waste boundary. If for any reason of uncertainty on the part of the CEO or at the applicant's request, a survey shall be completed to determine the set back distance from the solid waste boundary.
3. Where physical or cultural features existing on the ground are at variance with those shown on the plans referenced in subsection 1. Above, or in other circumstances where uncertainty exists with respect to the location of a boundary, the Board of Appeals shall interpret the district boundaries and be the final local authority as to their location.
Section 5. Administration, Enforcement, Penalties and Appeals

A. Administering Bodies and Agents

1. Planning Board: The Planning Board of the town of Otis, hereinafter called the “Board”, shall be responsible for reviewing and acting upon applications which require a special approval for the expansion, replacement, or relocation of a non conforming structure.

2. Code Enforcement Officer:
   a. It shall be the duty of the Code Enforcement Officer to issue all land use permit's other than those issued by the Planning Board.
   b. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this ordinance. If the Code Enforcement Officer shall find that any provision of this ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
   c. The Code Enforcement Officer shall conduct on-site inspections to ensure 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.
   d. 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 filed, and fees collected.
   e. Legal actions, when the above action does not result in the correction or abatement of the violation of 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 recording fines without court action. Such agreements shall not allow an illegal structure to continue unless there is clear and convincing evidence that the illegal structure was constructed or conducted as a result of erroneous advice by an authorized municipal official and that there is not evidence that the owner acted in bad faith or unless the removal of the structure or use will result in substantial environmental damage.
   f. Fines. Any person, including but not limited to a landowner, a land owners agent or a contractor, who orders or conducts any activity and violation of this ordinance shall be penalized in accordance with title 30-A MRSA section 4452.

3. Board of Appeals: The Board of Appeals shall be responsible for deciding administrative and variance appeals in accordance with state law and the provisions and requirements of section 16 of the town of Otis Shoreland Zoning Ordinance.
B. Permit Required

After the effective date of this ordinance no person shall without first obtaining a permit engage in the placement of a structure or well requiring a permit, or expand, change or replace an existing structure; or renew or discontinued non-conforming structure.

1. Land use permit. A land use permit shall be obtained from the Code Enforcement Officer unless the land use activity involves a special approval or a non-conformity. In cases of a special approval or non-conformity, a permit shall be obtained from the planning Board. If the Code Enforcement Officer determines that the proposed structures exceed applicable setbacks by more than 100 feet, no formal land use permit is required. The party proposing the land use and or measurements to determine exemption from applying for a permit, shall sign an intent to build form consenting awareness of this ordinance and its requirements. Exemption from obtaining a permit pursuant to this subsection does not relieve individuals, from obtaining permits as required by other codes or ordinances if applicable.

C. Permit Application

1. Application form. Every applicant for a permit shall submit a written application, including a scaled site plan and a completed worksheet with the total accumulated points on a form provided by the municipality, to the appropriate officials as indicated by this ordinance.

2. Authorization. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property than that person shall submit a letter of authorization from the owner or lessee.

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

4. Plumbing permit 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 would require the installation of a subsurface sewage disposal system.

5. Application fee. The application fee for a building permit shall be $10 this application fee shall be made by check payable to the town of Otis. No land use permit shall be issued until the fee is paid. This fee shall not be refundable.

D. Procedure For Administering Land Use Permits

1. Determination of complete application. Within 35 days of the date of receiving a written application requiring planning Board approval, the planning Board shall notify the applicant in writing either that the application has been accepted as a complete application, or if the application is incomplete, that specific additional material is needed to make the application complete. For permits requiring Code Enforcement Officer approval, this time period shall be 14 days.

2. Timing of actions. For applications requiring planning Board approval, the planning Board shall approve, approve with conditions, or deny all permit applications in writing within 35 days of a public hearing or, if no
public hearing is held, within 35 days of the date of acceptance of the application as complete. For applications requiring approval from the code enforcement Officer, he/she shall approve or deny the application within thirty days of accepting the application as complete.

3. Burden of Proof. The applicant shall have the burden of proving that a proposed land activity is in conformity with the purposes and provisions of this ordinance.

4. Decision. If the Planning Board or Code Enforcement Officer finds that the proposed project complies with all applicable standards it shall issue in order granting land use permit approval subject to such terms and conditions as the Board considers advisable to insure conformity with the criteria of this ordinance, or to protect the publics health, safety, or general welfare. If the Planning Board or Code Enforcement Officer find that the proposed structure do/does not comply with all applicable review standards, it shall issue in order denying the land use permit application. In either case, the planning Board or code enforcement Officer shall, within 10 working days after the completion of its deliberations, issue specific written findings of fact supporting its or his/her decision.

E. Public Hearing Procedures

The Planning Board may decide to hold public hearing on an application. Public hearings and notice thereof shall comply with the following procedures:

1. Notice of said hearing shall be published in a newspaper of general circulation at least ten days prior to the hearing date.

2. Mailed Notice. At least 14 days prior to the hearing date, written notice of said hearing shall also be mailed to the applicant, to the owners of all property within 300 feet of the property in question, to the chairperson of the Otis Board of Selectmen. The owners of property shall be considered to be those shown on the town's tax list as the persons against whom taxes are assessed. The Code Enforcement Officer shall, in each case, maintain a list of property owners so notified. Notice shall be deemed received if mailed to and owners last known address according to the town tax records. Failure of any property owner to actually received notice shall not necessitate another hearing or invalidate any actions of the Planning Board has long as this notification process was undertaken in good faith.

3. Content of Notice. Notice of said hearing shall identify the applicant and the property involved, describe the specific nature of the proposal, state that date, time and place of the hearing, and explain how the recipient of the notice may attend and present evidence.

4. Rules. Said hearings shall be conducted according to rules adopted by the Planning Board.

5. Representation. At any hearing a party may be represented by an agent or attorney provided, however, if any party is not present, any person acting as that party’s agent or attorney shall provide written evidence of such authority.

5. Continuation. Any hearing may be continued or recessed to another time of good cause shown or upon written or recorded agreement of the Board and the applicant.

I. Professional Review

1. Additional studies. In the case of a special approval or the re-establishment of a nonconforming structure, the planning Board may
require the applicant to undertake any additional hydro geological studies, which it seems reasonable and necessary to insure that the requirements of this ordinance are met. The cost of all such studies shall be borne by the applicant.

2. Independent Technical Review. The Code Enforcement Officer may require that an independent consultant review one or more submissions of an application pertinent to establishing required setback on the ground as described in section 3.

J. Failure To Act

Failure of the Planning Board or Code Enforcement Officer to act within any of the time requirements set forth herein shall constitute a denial of the application.

K.

L. Other Permits

The granting of the land use permit approval does not relieve the applicant from the need to obtain any other permits or approvals required prior to the commencement of any activity or use. The fact that the applicant may have obtained or may have been granted such permits or approvals prior to the site plan review may be considered by the planning Board as evidence as the plans compliance with applicable review standards, but shall not be deemed conclusive evidence as to compliance.

M. Access to Site and Records

The town shall have access to the site at all times to review the progress of the work and shall have the authority to review all records and documents related to the project. The applicant, by accepting a land use permit, waives any objection to the town having access to the site to review the progress of the work or to review all records and documents related to the project.

N. Installation of Public Utility Service

No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located within 1500 feet of a solid waste boundary unless written authorization for 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. Following installation of service, the Company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

Section 6. Definitions

Floor area -- The sum of the horizontal areas of the floor of a structure enclosed by exterior walls.

Non-conforming structure -- A structure that does not meet one or more of the setback requirements of this ordinance, but which is allowed solely because it was in lawful existence at the time this ordinance of subsequent amendments took effect.

Single Family Dwelling Unit -- A room or group of rooms under a common roof designed and equipped for use as a permanent, temporary, or seasonal living quarters for the family living as a single housekeeping unit.

Solid Waste -- Useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing, including but not limited to, rubbish, garbage, refuse, derived fuel, scrap metals, junk, refuse, inert fill material and landscape refuse. The fact that a solid waste or constituent of
the waste may have value or any other use or may be sold or exchanged, does not exclude it from this definition.

Solid Waste Boundary -- The outermost limit of the solid waste, projected on horizontal plane, as it would exist at completion of a Department of Environmental Protection approved solid waste disposal facility, whether opened or closed for the exceptions of solid waste materials.

Solid Waste Disposal Facility -- Means a solid waste facility for the land filling of solid waste.

Structure -- Anything built for the support, shelter or enclosure of persons, goods, animals or property of any kind inclusive of wells.

Well -- Any groundwater derived for human drinking water supply, whether public or private, or water source for commercial applications.
Section 1. Purpose

The purpose of this ordinance is to prohibit waste and litter from being discarded throughout the town of Otis endangering the free utilization and enjoyment of a clean and healthy environment by the people and that, which may constitute a health hazard.

Section 2. Authority

This waste disposal ordinance is an active pursuant to Article 8, part 2, section 1, of the Constitution of the state of Maine, title 30-A, section 2261 of the MSRA.

Section 3. Waste Disposal Prohibited

No person shall transport to the town of Otis and or deposit and/or discarded, throw, drop, or dump in a yard, field, gravel pit, or other area used as storage within the boundaries of the town of Otis except in a duly licensed waste facility: worn out or junk plumbing, heating supplies, household appliances and furniture, scrap and junk lumber, old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material, insulation, wire, ties, railroad ties, construction and demolition debris.

Section 4. Prevention of Scattering

No persons shall upset or tamper with a public or private receptacle, designed or used for the deposit of litter or cause or permit its contents to be deposited or strewn in or upon any public place, private premises or major watercourse, such as great ponds as designated by the State of Maine.

Section 5. Owner to Maintain Private Premises

A. The owner or person in control of any private premises shall at all times maintain the premises free of waste and/or litter.

B. The owner or person in control of, private premises shall, if public receptacles are unavailable, maintain authorized private receptacles for collection in such manner that waste and/or litter will be prevented from being carried or deposited by the elements upon any public place or private premises.

Section 6. Littering From Vehicles

No person, while the operator of or passenger in a vehicle, shall deposit litter upon any public place or private premises.

Section 7. Litter in Parks

No person shall deposit litter and any park within the town except in receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any other public place or private premises. Where receptacles are not provided, all such litter shall be removed from the park by the person responsible for its presence and properly disposed of elsewhere in a lawful manner.

Section 8. Construction Sites
A. Each contractor shall be responsible for the job site so that litter will be prevented from being carried or deposited by the elements upon any public place or other private premises.

B. Litter or other debris or waste as defined in section 3 and section 17 of this ordinance, including dirt and mud, deposited as a result of normal construction process upon any public place or private premises, shall be removed by the contractor.

Section 9. **Abandoned Ice Fishing Shacks**

No person may abandoned and ice fishing shacks upon any property not owned by the person owning the structure without permission of the landowner or leave on the ice of a great pond or any body of water for more than 15 days after that inland waters on which the shack or structure was located are close to fishing.

Section 10. **Litter upon Inland Waters and Ice**

No person shall deposit litter upon the inland waters or upon the ice of such inland waters. All litter must be retained in a safe receptacle or contained in a manner that will prevent the litter from being carried or deposited by the elements upon any part of the water or ice. All litter shall be removed from the waters or ice by the person responsible for its presence and properly disposed of elsewhere in a lawful manner.

Section 11. **Selectmen May Adopt Rules**

The selectmen are hereby authorized and empowered to prepare written guidelines on how to comply with this ordinance. In doing so applicable federal, state and local standards regarding fire protection, pollution control, public safety, nuisance, and health shall be given due consideration.

Section 12. **Clearing of Waste or Litter from Open Private Property by the Selectmen**

The procedure for the removal of litter from private premises and the charging of expense thereof as a lien upon such property to be collected shall be in accordance with state statutes. The selectmen or the designated agents shall be responsible for the implementation of this enforcement program.

Section 13. **Inspection**

The selectmen or the designated agents shall have the right to enter at all reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement and observance of the provisions of this ordinance.

Section 14. **Duty to Give Notice of Violations; Notice to Be in Writing and Describe Violations**

Whenever the selectmen or their designated agents, determined that there has been a violation of any provision of this ordinance or any regulation adopted pursuant thereon, he shall give notice of such alleged violation to the person or persons responsible therefore as hereinafter provided. Such notice shall be in writing and describe the violation.

Section 15. **Authority to Refuse Waste; Owners Duty to Dispose**

The town may refuse to except for disposal at the transfer station any waste, which has been transported from another community and/or disposed of upon private or public property in violation of any provision of this ordinance. The owner of such waste has the responsibility of promptly disposing of it in a proper manner.
Section 16. **Unlawful To Place, Deposit Waste**

It shall be unlawful for any person to place, deposit, transport or allowed to be placed or deposited, discarded or dumped on his premises any waste deemed to be in violation of this ordinance.

Section 17. **Penalty**

Any person, firm or corporation violating any provision of this ordinance shall be fined not less than $5 nor more than $2500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 18. **Definitions**

For the purpose of this ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein.

A. "Authorized private receptacle" is a container of watertight construction with a tight fitting lid or cover capable of preventing the escape of contents within. Such receptacles shall have handles or other means for safe and convenient handling and be of such size or sufficient capacity to hold all litter generated between collection points and shall be any compliance with the regulations promulgated.

B. "Construction and demolition debris" means debris resulting from construction, remodeling, repair and demolition of structures.

C. "Construction sites" means any private or public property upon which repairs to existing buildings, construction of new buildings, or demolition of existing structures is taking place.

D. "Litter" means all waste materials including, but not limited to bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, feathers, except that is from live birds while been transported, abandoned ice fishing shacks, old automobiles or parts of automobiles or similar refuse, or disposal packages or containers thrown or deposited as prohibited in this ordinance but not including the waste of the primary process of logging, saw-milling, or farming which is thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

E. "Private premises" means all property including, but not limited to: vacant land or any land, building or other structure designed or used for residential, commercial, business, industrial, institutional or religious purposes, together with any yard, grounds, walk, driveway, fence, porch, steps, vestibule, mailbox and other structure of appurtenant thereto.

F. "Public place" means any and all streets, sidewalks, or public ways, beaches, lakes, rivers, watercourses or fountains and any and all public parks, spaces, grounds, and buildings.

G. "Public receptacles" means any receptacles provided by or authorized by the town.

H. "Vehicle" is every device in, upon or by which any person or property is or may be transported or drawn upon land or water, including devices used exclusively upon stationery rails or tracks.
I. “Waste” means, worn out or junked plumbing, heating supplies, household appliances and furniture, scrap and junked lumber, old or scrap iron, steel and other scrap Ferrous or nonferrous material, insulation, wire, rope, tires, railroad ties, construction and demolition debris.

*Adopted: June 17, 1996
*Amended: May 9, 1998
TOWN OF OTIS
OFFICE POLICY
January 1, 2000

As of January 1, 2000 the following office policy is in affect for the Otis Town Office:

Professional courteous is required within this office.

1. No abusive or offensive language will be allowed.
2. No demonstration of physical violence will be tolerated.
3. No raising of voices such as yelling or screaming.

If the above policy is not adhered to then the customer will be asked to leave.

If the customer does not leave then a call will be placed to the Hancock County Sheriff’s Office or the State Police for assistance.

If a customer does not leave when asked to then he/she must come before the Selectman before being allowed to re-enter the Town Office at a later date.

Any incident related to the above will be taped. The customer is to be informed that he/she is being taped.

________________   __________________ ________________
Donna Dunn    Frederic Roy Sr.  Kevin Copeland
Selectman     Selectman    Selectman
TOWN OF OTIS

PARKING ORDINANCE
AND
BEECH HILL POND MUNICIPAL BEACH ORDINANCE
July 15, 2003

1. Authority and Purpose: This ordinance is adopted by the municipal officers (Selectmen) of the Town of Otis in accordance with 30-A MRSA #3009. The Selectmen find that unrestricted parking of motor vehicles on public ways during sanding, snowplowing and snow removal operations creates a traffic hazard and hampers the municipal’s winter maintenance operation, also unrestricted parking on any private way which creates a traffic hazard for responding emergency vehicles. The purpose of this ordinance is to regulate parking associated with winter maintenance and emergency vehicles, and to curb the growing problem of vandalism & disrespect of the town’s beach and adjoining lands.

2. Definitions: Words used in this ordinance shall be defined in accordance with 29 MRSA #1; any undefined word shall have its common, ordinary meaning.

3. Restrictions:
   (a) Regulated areas – No person may park a motor vehicle on any public way or portions of public ways or private ways in a manner which would hinder winter maintenance operations or the passage of emergency vehicles.
       • Exceptions: This ordinance does not apply to motor vehicles parking in prohibited areas for the following reasons: Mechanical problems, or break-downs; emergency situations; maintenance, construction, repair or installation of utilities or the public way by any state or municipal agency or utility company.

   (b) Snow/Ice removal operations: No person may park a motor vehicle within the right-of-way of any public way in a manner that interferes with winter maintenance operations of the municipality.

   (c) Emergency vehicles: No person may park a motor vehicle within the right-of-way of any public or private way in a manner which would block or hinder the travel of emergency vehicles.

   (d) Town of Otis Municipal Beach parking. No person may park a motor vehicle within the confines of the Town of Otis Municipal Beach parking area without a Beach Pass from the Otis Town Office.

   (e) Towing: A motor vehicle parked in violation of this ordinance may be towed at the request of and under the supervision of the Town of Otis Constable, the
Selectmen or their duly authorized representative, or any law enforcement agency having jurisdiction within the Town of Otis.

Owners of vehicles that have been towed in accordance with this ordinance shall go to the Town of Otis Town Office for information regarding the towed vehicle ie. Penalties, location and release of the impounded vehicle. Within five (5) days of the towing the authorized person who supervised the tow shall send to the registered owner a notice stating the date and time of the tow, the location of where the vehicle is impounded, and requirements for release of the motor vehicle. (During non-business hours owners may contact the constable, one of the selectmen or other authorized persons to obtain the necessary information).

(f) Release of a towed vehicle: Any person found in violation of this ordinance and seeking release of a motor vehicle towed pursuant to this ordinance (1) pay all associated fines to the Town of Otis (2) pay all towing charges and storage fees, (3) present satisfactory evidence of his/her right to possession and sign a receipt for the vehicle.

(g) Prima Facie evidence of operation: No person shall cause, allow or permit a motor vehicle registered in his/her name to park in violation of this ordinance. The fact that the motor vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

(h) Beech Hill Pond Municipal Beach access: No person, unless a property owner or resident of the Town of Otis and having a Beach Pass from the town office, shall be permitted access to the municipally owned beach located off the West Shore Rd on Beech Hill Pond. Any person in violation of section (h) shall be reported to the Town of Otis Constable, Selectmen or any law enforcement agency having jurisdiction within the Town of Otis.

1. Authorization to use the Otis Municipal Beach, located on Beech Hill Pond is by permit only. Permits are issued at the Otis Town Office only to property owners or renters of property in Otis. One Beach Pass per property will be issued upon request without cost.

2. The beach hours are 8:00am to 8:00pm

3. Please swim at your own risk. You are responsible for your children.

4. NO FIRES of any kind are allowed on the beach.

5. NO ALCOHOLIC BEVERAGES of any kind are allowed on the beach.

6. The beach is a carry in carry out area. Littering will not be tolerated. Please use trash receptacles located in the parking lot and on the beach.
(7). Bathroom privileges are allowed at the portable toilet located in the parking area only. Use of the beach or wooded area for bathroom purposes is **strictly prohibited**.

(8). For sanitary and safety purposes no pets are allowed on the municipal beach.

(i) **Penalties:** Any person found in violation of the restricted parking portion of this ordinance by a court of competent jurisdiction shall be subject to a fine of not more than $150.00 or less than $50.00; all fines accrue to the municipality. Any person found in violation of the Beech Hill Pond Municipal Beach restrictions shall be subject to a fine of not more than $100.00 or less than $25.00; all fines accrue to the municipality.

- Persons charged with violating this ordinance may waive court action by payment of the associated fines within seven (7) days after receiving a verbal and written notice of the violation. Any such waiver and payment of associated fines and fees shall be processed through the town clerk.

(j) **Enforcement:** This ordinance shall be enforced by the Municipal Officers or their duly authorized representative or designees. Violations of the parking portion of this ordinance shall be traffic infractions and shall be prosecuted, if necessary, in the appropriate district court. Violations of the municipal beach restrictions shall be civil violations and shall be prosecuted, if necessary, in the appropriate district court.

(k) **Severability:** In event that any portion of this ordinance if found, by a court, to be invalid, the remaining provisions shall continue uninterrupted in effect.

(l) **Effective Date:** This ordinance shall become effective when adopted by a majority of the municipal officers.

**Date Adopted: July 15 2003**

________________________________________________________________________

Selectman

________________________________________________________________________

Selectman

________________________________________________________________________

Selectman
Section 1. Purpose and Authority

The purpose of this “Ordinance Restricting Vehicle Weight on Posted Ways” (hereinafter, the “Ordinance”) is to prevent damage to town ways and bridges, in the Town of Otis, which may be caused by vehicles of excessive weight; to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their maintenance and repair. This Ordinance is adopted pursuant to 20 M.R.S.A. 3009 and 29-A M.R.S.A. 2395 and 2388.

Section 2. Definitions

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

Section 3. Restrictions and Notices

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

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

The notice shall contain, at a minimum, the following information:
   a. The name of the way or bridge
   b. The gross registered weight limit
   c. The time period during which the restriction applies
   d. The date on which the notice was posted
   e. The signatures of the municipal officers.

The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the traveled way.

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

Section 4. Exemptions

Vehicles that are exempt from the Maine Department of Transportation’s (MDOT) “Rules and Regulations Restricting Heavy Loads on Closed Ways” dated December 31, 1996 and amended on March 4, 1998, a copy of which is attached hereto is hereby incorporated as part of this Ordinance (Attached to this Information Packet), are exempt from this Ordinance.

Section 5. Permits

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the Municipal Officers for a permit to operate on a posted way or bridge notwithstanding the restriction. The Municipal Officers may issue a permit only upon all of the following findings:

   a. No other route is reasonably available to the applicant
b. It is a matter of economic necessity and not mere convenience that the applicant use the way or bridge.

c. The applicant has tendered cash, a bond or other suitable security running to the municipality in an amount sufficient, in their judgment, to repair any damage to the way of bridge which may reasonably result from the applicant’s use of same.

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

In determining whether to issue a permit, the Municipal Officers shall consider the following factors:

a. The gross registered weight of the vehicle.
b. The current and anticipated condition of the way or bridge.
c. The number and frequency of vehicle trips proposed.
d. The cost and availability of materials and equipment for repairs.
e. The extent of use by other exempt vehicles.
f. Such other circumstances as may, in their judgment, be relevant.

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

Section 6. Administration and Enforcement

This Ordinance shall be administered and may be enforced by the Municipal Officers or their duly authorized designee (such as road commissioner, code enforcement officer, or law enforcement officer).

Section 7. Penalties

Any violation of this Ordinance shall be a civil infraction subject to a fine of not less than $250.00 nor more than $1,000.00. Each violation shall be deemed a separate offense. In addition to any fine, the municipality may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs. Prosecution shall be in the name of the municipality and shall be brought in the Maine District Court.

Section 8. Amendments

This Ordinance may be amended by the Municipal Officers at any properly noticed meeting.

Section 9. Severability; Effective Date

In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect. This Ordinance shall take effect immediately upon enactment by the Municipal Officers at any properly noticed meeting.

Donna Dunn
1st Selectman

Frederic Roy Sr.
Selectman

Kevin Copeland
Selectman
Section I: Title
This Ordinance shall be known, and may be cited as, the “Solid Waste Management Control, User Fee and Recycling Ordinance of the Town of Otis, Maine.”

1. Declaration of Policy
The purpose of this ordinance is to control solid waste material, develop a pay-per-bag system and a recycling program for the disposal of domestic solid waste for the Town of Otis, Maine. Solid waste is a primary health, safety and environmental concern to all residents, and it is essential that the community develop a fair, efficient and cost-effective solid waste disposal program to satisfy the needs of the community.

2. Authority
This ordinance is adopted pursuant to and in accordance with Article VIII, Part Second (the Home Rule Powers) of the Constitution of the State of Maine, 30A M.R.S.A. {3001 et seq., and 38 M.R.S.A. section 1301{et seq. and section 1305.

Section II: Solid Waste Disposal Control Standards and Regulations

A. The Board of Selectmen is hereby granted authority to establish detailed operating rules and regulations for all municipal solid waste collection and disposal facilities. The rules and regulations shall be reviewed and revised as required to satisfy the needs of the municipality, changes in state and federal laws and regulations, and the economics of municipal solid waste disposal.

B. The rules and regulations shall include the operating hours of the solid waste facility, the items to be recycled, the pay-per-bag fee for household trash disposal, a list of items that are not accepted at the Transfer Station and any applicable fines for violations of these rules and regulations. No person shall use the facility outside of said hours of operation without specific written consent of the Town of Otis Selectmen or its authorized agent, if any. The rules and regulations will become effective July 1st, 2001 and shall be prominently displayed at the Transfer Station site and the Otis Town Office.

C. This ordinance applies to Otis property owners only and is for all solid waste solely generated in the Town of Otis. No solid waste generated outside the town limits of the Town of Otis shall be accepted at the Transfer Station Site.

D. The use of the Transfer Station facility shall be for the Town of Otis property owners only. Access to the Facility shall be by permit only and at the strict discretion/authorization of the attendant designated by the Board of Selectmen. Otis property owners will be issued one permit without charge upon application to the Municipal Office. The second and any other permits will be issued at a $2.50 fee. Residents must display a permit on their vehicle to gain access to the facility. Pay-Per-Bag stickers may also be obtained at the Municipal Office. The cost of the Pay-Per-Bag stickers is $1.00 each.

E. No person shall violate any directives put forth by the attendant in the use of the facility. If any person refuses to obey a directive of the facility attendant, the attendant shall have the authority to immediately refuse to allow that person access to the facility. The designated attendant shall have the authority to randomly examine any material brought to the Transfer Station Facility to insure that rules and regulations are complied with. The Transfer Station attendant(s) may refuse to accept any solid waste that is hazardous or that is not separated in accordance to these rules and regulations. Police enforcement will be used and violators will be prosecuted.

F. Permits may be revoked by the Board of Selectmen, following notice and hearing, for violation of this Ordinance or Rules and Regulations and may be renewed only upon the decision of the Board.

Section III. Definitions
The terms shall have the following definitions for the purposes of this ordinance. Any undefined term shall be defined as set forth in 06-096 CMR 400.1 or, if not there defined, it shall have its common, ordinary meaning.

(a) Domestic solid waste: Solid waste generated by residential households or dwelling units; it includes but is not limited to food scraps, garbage, household trash, refuse, and junk.

(b) Transfer Station Facility: the municipal facility located in the Town of Otis for the collection and processing of municipal solid waste, for eventual movement to another waste facility.

(c) User fee tag: a tag, issued by the Town of Otis pursuant to this ordinance, which allows a container of domestic solid waste to be disposed of at the transfer station

Section IV: Rules and Regulations

1. No person may dispose of domestic solid waste at the transfer station unless a permit is displayed on the vehicle and a user fee tag is affixed to the container (plastic bag, box, or other) containing such waste. Each container must have its own tag and the tag shall be clearly visible on the container. The fee for each individual tag is $1.00 for up to a 30 gallon trash bag (or other comparable container).

2. The Transfer Station Facility is open on Sunday’s from 8 am to 4 pm January through December and Wednesday’s from 8 am to 4 pm from June 1st through September 30th. The Transfer Station Facility is for use by Otis property owners only and for the disposal of solid waste that is generated within the Town of Otis.

3. Refrigerators, air conditioners, and freezers will be accepted at the Transfer Station Facility only if the freon has been removed. (You must show a receipt for the freon removal.) All items must be disposed of in the appropriately marked area during the scheduled cleanup days.

4. There will be two cleanup days per year at which property owners may bring in demo debris, car and small truck tires (rims must be removed), large items of furniture, TVs, microwaves, bicycles/tricycles, water heaters or comparably sized items. White goods and metals may be dropped off on any day that the Transfer Station Facility is open. (All appliances must have the doors removed before being dropped off at the Transfer Station Facility.)

5. The two cleanup days are scheduled for the 1st (first) Sunday in June and the last Sunday in September.

6. Newspapers and magazines for recycling - black and white as well as color printed, shall be securely bundled in bundles not to exceed 40 pounds in weight.

7. Cardboard to be recycled - must be securely bundled in bundles not to exceed 40 pounds in weight and not more than 36” long by 36” wide. Boxes must be broken down flat and bundled. Paper bags, cereal boxes, macaroni boxes, etc. may be included in the bundle of cardboard.

8. Wood waste must be 5 inches or less in diameter or 5 feet or less in length and must be placed in the burn pile.

9. Leaves, grass and other natural vegetation is not accepted at the Transfer Station Facility.

Section V: Unacceptable Waste

1. No hazardous waste shall be accepted at the Transfer Station Facility. No industrial or commercial waste which creates a problem of disposal by virtue of federal, state or local statutes, rules, regulations, etc. controlling or prohibiting its disposal shall be delivered to the facility.

2. No stumps and construction demolition, asphalt shingles, insulation and asbestos will be accepted at the
Transfer Station Facility.

3. No abandoned or junked vehicles will be accepted at the Transfer Station Facility

4. All household solid waste must not include any of the above listed items.

**Section VI: Administration of This Ordinance**

The Selectmen shall administer this ordinance, and to this end shall have the following powers:

(1) To adopt written rules for the day-to-day operation of the transfer station, including but not limited to hours of operation, inspection of materials delivered to the site, and sizes and types of solid waste containers.

(2) To designate where and when such user fee tags will be available. All user fees shall be used to offset the costs associated with solid waste disposal.

(3) To appoint and oversee personnel to maintain and operate the transfer station facility.

(4) To review alleged violations of this ordinance and to take (or authorize their duly appointed agents to take) appropriate action, including legal action to enforce this ordinance.

**Section VII: Penalties**

A violation of this ordinance (or rules adopted pursuant hereto) is a land use violation and may be enforced in accordance with 30-A MRSA §4452. The penalties set forth in 30-A MRSA §4452 shall apply to violations of this ordinance. A fine of not less than $50.00 and no more than $250.00 shall be assessed for a violation of this ordinance and shall accrue to the Town of Otis. In addition, any person attempting to dispose of solid waste in a manner which violates this ordinance (or rules) will not be allowed access to the Transfer Station until they go before the Selectmen for a hearing.

**Section VIII: Severability**

If any provision of this ordinance is determined to be unenforceable, the remaining provisions shall continue in full force and effect. This ordinance shall become effective within ten (10) days when adopted by a majority of the voters present and voting at any regular or special town meeting.

_______________________ _______________________ __________________________
Donna Dunn, 1st Selectman        Frederic Roy Sr., Selectman        Kevin Copeland, Selectman

ADOPTED:  05 / 12 / 2001
jgw
Otis Zoning Ordinance for the
Municipality of Otis

Section 1: Purposes

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

Section 2: Authority

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

Section 3: Applicability

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond, or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending beyond the normal high-water line of a water body or within a wetland.

Section 4: Effective Date and Repeal of Formerly Adopted Ordinance

This Ordinance, which was adopted by the municipal legislative body on May 18, 1992, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance within forty-five (45) days of his/her receipt of the Ordinance, it shall be automatically approved. Upon approval of this Ordinance, the shoreland zoning ordinance previously adopted on May 6, 1975 is hereby repealed.

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

Section 5: Availability
A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

Section 6: Severability

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

Section 7: Conflicts With Other Ordinances

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

Section 8: Amendments

This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the 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.

Section 9: Districts and Zoning Map

A. Official Shoreland Zoning Map

The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:

1. Resource Protection
2. Limited Residential
3. Stream Protection

B. Scale of Map
The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

C. **Certification of Official Shoreland Zoning Map**

The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

D. **Changes to the Official Shoreland Zoning Map**

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

### Section 10: Interpretation of District Boundaries

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

### Section 11: Land Use Requirements

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

### Section 12: Non-Conformance

A. **Purpose**

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

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

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

C. Non-Conforming Structures

1. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure.

Further Limitations:

(a) Legally existing non-conforming principal and accessory structures that do not meet the water body or wetland setback requirements may be expanded or altered as follows, as long as all other applicable standards contained in this ordinance are met.

i Expansions of any portion of a structure within 25 feet of the normal high water line of a water body or upland edge of a wetland is prohibited, even if the expansion will not increase the non-conformity with the water body or wetland setback requirements.

ii Expansion of an accessory structure that is located closer to the normal high water line of a water body or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase non-conformity with the water body or wetland setback.

iii For structures located less than 75 feet from the normal high water line of a water body or upland edge of a wetland, the maximum combined total floor area for all structures is 1,000 square feet and the maximum height of any structure is 20 feet or the height of the existing structure, whichever is greater.

iv For structures located less than 100 feet from the normal high water line of a water body or upland edge of a wetland, the maximum combined total floor area for all structures is 1,500 square feet and the maximum height of any structure is 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 any water body or upland edge of a wetland must meet the floor area and height limits of division iii.

(For the purposes of subparagraph (a), a basement is not counted towards floor area.)

Amendments to the Shoreland Zoning Ordinance section 12, C, 1A.

Special expansion allowance

1A. Existing principal and accessory structures that exceed the floor area and height limits set in divisions (iii) and (iv) above may not be expanded, except that the limits may be exceeded by not more than 500 square feet provided that all the following requirements are met.

(a) The principal structure is set back at least 50 feet from the normal high water line of a water body or upland edge of a wetland.

(b) A well distributed stand of trees and other vegetation extends at least 50 feet in depth as measured from the normal high water line or upland edge of a wetland for the entire width of the property. A “well distributed stand of trees or other vegetation” adjacent to a great pond classified GPA or a river flowing to a great pond classified GPA, is defined as maintaining a rating score of 12 or more in any 25 foot by 25 foot square area (626), and adjacent to other water bodies, tributary streams, and wetlands, a “well distributed stand of trees or other vegetation” is defined as maintaining a minimum rating score of 8 per 25 foot by 25 foot square area (626) as determined by the following rating system.

Diameter of tree at 4 ½ feet above ground level

<table>
<thead>
<tr>
<th>Diameter</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2” to 4”</td>
<td>1</td>
</tr>
<tr>
<td>4” to 12”</td>
<td>2</td>
</tr>
<tr>
<td>12” or greater</td>
<td>4</td>
</tr>
</tbody>
</table>

If a well distributed stand of trees and other vegetation meeting the requirements of this subparagraph is not present, the 500 square foot special expansion allowance may be permitted only in conjunction with a written plan, including a scale site drawing, by the property owner, and approved by the planning board or its designee, to re-establish a buffer of trees, shrubs, and other ground cover within 50 feet of the shoreline.

(c) Adjacent to great ponds classified GPA and rivers flowing to great ponds classified GPA except for the allowable foot path, there exists completed natural ground cover, consisting of forest duff, shrubs and other woody
and herbaceous vegetation within 50 feet of the normal high water line. Where natural ground cover is lacking, the area must be supplemented with leaf or bark mulch and plantings of native shrubs and other woody and herbaceous vegetation in quantities sufficient to retard erosion and provide for effective infiltration of storm water.

(d) A written plan by the property owner, including a scale site drawing, is approved by the planning board and is developed, implemented and maintained to address the following mitigation measures for property within the shoreland zone.

(i) Un-stabilized areas resulting in soil erosion must be mulched, seeded or otherwise stabilized and maintained to prevent further erosion and sedimentation to water bodies and wetlands.

(ii) Roofs and associated drainage systems, driveways, parking areas, and other non vegetative surfaces must be designed or modified, as necessary, to prevent a concentrated flow of storm water runoff from reaching a water body or wetland. Where possible, runoff must be directed through a vegetated area or infiltrated into the soil through the use of a dry well, stone apron, or similar device.

1-B Planting Requirements.

Any planting or re-vegetation required as a condition to the special expansion allowance must be accordance with a written plan drafted by a qualified professional, be implemented at the time of construction, and be designed to meet the rating score contained in paragraph (c) when the vegetation matures within the 50 foot strip. At a minimum, the plan must provide for the establishment of a well distributed planting of saplings spaced so that there is at least one sapling per 80 square feet of newly established buffer. Planting saplings may be no less than three (3) feet tall for coniferous species and no less than six (6) feet tall for deciduous species. The planting plan must include a mix of at least three native tree species found growing in adjacent areas, with no more than one species making up more than 50% of the number of saplings planted unless otherwise approved by the planning board or its designee, based on adjacent stand comparison. All aspects of the implemented plan must be maintained by the applicant and future owners.

1-C Filing and reporting requirements.

Written plans required pursuant to this section must be filed with the registry of deeds of the county in which the property is located. A copy of all permits issued pursuant to this section must be forwarded by the municipality to the DEP within 14 days of the issuance of the permit.
b. Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided: that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in subsection 2. Relocation, below; that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three (3) additional feet.

c. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.

2. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

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

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

Any non-conforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit, from the Code Enforcement Officer.
In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board shall consider, in addition to the criteria in paragraph 2 above, the physical condition and type of foundation present, if any.

4. Change of Use of a Non-Conforming Structure

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

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and functionally water-dependent uses.

D. Non-Conforming Uses

1. Expansion: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section 12 (C) (1) (a) above.

2. Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the application, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

3. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made
according to criteria listed in Section 12 (C) (4) above.

E. Non-Conforming Lots

1. Non-conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.

2. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with.

   If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided that the above referenced 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 non-conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and:

   a. Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

   b. Any lots that do not meet the frontage and lot size requirements of subparagraph a. are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.
Section 13: Establishment of Districts

A. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed, and areas which meet the criteria for the Limited Commercial, or General Development 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 by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of January 1, 1973.

2. Flood Plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100 year flood plain as designated on the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in 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.

4. Areas of two or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during normal spring high water.

5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

B. Limited Residential District

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

C. Stream Protection District

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

Section 14. Table of Land Uses

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

Key to Table 1:

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

No - Prohibited

PB - Requires permit issued by the Planning Board

CEO - Requires permit issued by the Code Enforcement Officer

LPI - Requires permit issued by the Local Plumbing Inspector

Abbreviations:

RP - Resource Protection
LR - Limited Residential
SP - Stream Protection

TABLE 1 - LAND USES IN THE SHORELAND ZONE

<table>
<thead>
<tr>
<th>Land Uses</th>
<th>Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SP</td>
</tr>
<tr>
<td>1. Non-intensive recreational uses not requiring structures</td>
<td>yes</td>
</tr>
<tr>
<td>2. Motorized vehicular traffic on existing roads and trails</td>
<td>yes</td>
</tr>
<tr>
<td>3. Forest management activities except for timber harvesting</td>
<td>yes</td>
</tr>
<tr>
<td>4. Timber harvesting</td>
<td>yes</td>
</tr>
<tr>
<td>5. Clearing of vegetation for approved construction and other</td>
<td></td>
</tr>
<tr>
<td></td>
<td>allowed uses</td>
</tr>
<tr>
<td>---</td>
<td>-------------</td>
</tr>
<tr>
<td>6.</td>
<td>Fire prevention activities</td>
</tr>
<tr>
<td>7.</td>
<td>Wildlife management practices</td>
</tr>
<tr>
<td>8.</td>
<td>Soil and water conservation practices</td>
</tr>
<tr>
<td>9.</td>
<td>Mineral exploration</td>
</tr>
<tr>
<td>10.</td>
<td>Mineral extraction including sand and gravel extraction</td>
</tr>
<tr>
<td>11.</td>
<td>Surveying and resource analysis</td>
</tr>
<tr>
<td>12.</td>
<td>Emergency operations</td>
</tr>
<tr>
<td>13.</td>
<td>Agriculture</td>
</tr>
<tr>
<td>14.</td>
<td>Aquaculture</td>
</tr>
<tr>
<td>15.</td>
<td>Principal structures and uses</td>
</tr>
<tr>
<td></td>
<td>A. One and two family residential</td>
</tr>
<tr>
<td></td>
<td>B. Multi-unit residential</td>
</tr>
<tr>
<td></td>
<td>C. Commercial</td>
</tr>
<tr>
<td></td>
<td>D. Industrial</td>
</tr>
<tr>
<td></td>
<td>E. Governmental and Institutional</td>
</tr>
<tr>
<td></td>
<td>F. Small non-residential facilities for educational, scientific, or nature interpretation purposes</td>
</tr>
<tr>
<td>16.</td>
<td>Structures accessory to allowed uses</td>
</tr>
<tr>
<td>17.</td>
<td>Piers, docks, wharves, bridges and other structures and uses extending over or below the normal high-water line or within a wetland</td>
</tr>
<tr>
<td></td>
<td>a. Temporary</td>
</tr>
<tr>
<td></td>
<td>b. Permanent</td>
</tr>
<tr>
<td>18.</td>
<td>Conversions of seasonal residences to year-round residences</td>
</tr>
<tr>
<td>19.</td>
<td>Home occupations</td>
</tr>
<tr>
<td>20.</td>
<td>Private sewage disposal systems for allowed uses</td>
</tr>
<tr>
<td>21.</td>
<td>Essential services</td>
</tr>
<tr>
<td>22.</td>
<td>Service drops, as defined, to allowed uses</td>
</tr>
<tr>
<td>23.</td>
<td>Public and private recreational areas involving minimal structural development</td>
</tr>
<tr>
<td>24.</td>
<td>Individual, private campsites</td>
</tr>
<tr>
<td>25.</td>
<td>Campgrounds</td>
</tr>
<tr>
<td>26.</td>
<td>Road and driveway construction</td>
</tr>
<tr>
<td>27.</td>
<td>Parking facilities</td>
</tr>
<tr>
<td>28.</td>
<td>Marinas</td>
</tr>
<tr>
<td>29.</td>
<td>Filling and earth moving of &lt; 10 cubic yards</td>
</tr>
<tr>
<td>30.</td>
<td>Filling and earth moving of &gt; 10 cubic yards</td>
</tr>
<tr>
<td>31.</td>
<td>Signs</td>
</tr>
<tr>
<td>32.</td>
<td>Uses similar to allowed uses</td>
</tr>
<tr>
<td>33.</td>
<td>Uses similar to uses requiring a CEO permit</td>
</tr>
<tr>
<td>34.</td>
<td>Uses similar to uses requiring a PB permit</td>
</tr>
</tbody>
</table>

In RP not permitted within 75 feet of the normal high-water line of great ponds, except to remove safety hazards.
Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
In RP not permitted in areas so designated because of wildlife value.
Provided that a variance from the setback requirement is obtained from the Board of Appeals.
See further restrictions in Section 15(L)(2) on page ____.
Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from the PB.
Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the PB.

Note: A person performing any of the following activities shall require a permit from the Department of Environmental Protection pursuant to Title 38 M.R.S.A., Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:
   A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
   B. Draining or otherwise dewatering;
   C. Filling, including adding sand or other material to a sand dune; or
   D. Any construction or alteration of any permanent structure.

Section 15: Land Use Standards:

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

A. Minimum Lot Standards

1. Minimum Lot Area Minimum

<table>
<thead>
<tr>
<th>Shore</th>
<th>Minimum Lot Area</th>
<th>Minimum (sq.ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frontage_(ft.)_</td>
<td></td>
<td></td>
</tr>
<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>
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 or more than one principal commercial or industrial structure is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure.

B. Principal and Accessory Structure

1. All new principal and accessory structures shall be set back at least one hundred (100) feet from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
   In addition:
   a. The water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

 b. All principal structures along Significant River Segments as listed in Title 38 M.R.S.A., Section 437, shall be set back a minimum of one hundred and twenty-five (125) feet from the normal high-water line and shall be screened from the river by existing vegetation. This provision does not apply to structures related to hydropower facilities.

2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
3. The first floor elevation or openings of all buildings and structures including basements shall be elevated at least one (1) foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.

4. The total area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion there of, located within the shoreland zone, including land area previously developed.

5. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structures 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, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

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

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

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

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

4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area.

5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.

6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

D. Campgrounds

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

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of
land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual Private Campsites

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

1. One campsite per lot existing on the effective date of 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 from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

3. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.

4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1,000) square feet.

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

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

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

   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 setback requirements for structures for the district in which such areas are located, except that the setback requirement for parking areas serving public boat launching facilities, may be reduced to no less than fifty (50) feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.

2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.

3. In determining the appropriate size of proposed parking facilities, the following shall apply:
   a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
b. Internal travel aisles: Approximately twenty (20) feet wide.

**H. Roads and Driveways**

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

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

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

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

2. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body.

3. New permanent roads are not permitted within the shoreland zone along Significant River Segments except:

   a. To provide access to structures or facilities within the zone; or

   b. The applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

4. New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available
outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

5. Road banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Subsection O.

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

7. In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two (2) times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Road surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

8. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:

   a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

<table>
<thead>
<tr>
<th>Road 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 road grade is ten (10) percent or less.

   c. On road sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road.
d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

9. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

I. Signs

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

1. Signs and billboards relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Billboards and signs relating to goods or services not sold or rendered on the premises shall be prohibited.

2. Name signs shall be permitted, provided such signs shall not exceed two (2) signs per premises.

3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.

4. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

5. Signs relating to public safety shall be permitted without restriction.

6. No sign shall extend higher than twenty (20) feet above the ground.

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

J. Storm Water Runoff

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

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

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

L. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

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

M. Mineral Exploration and Extraction

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

Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of paragraph 4 below.

2. Unless authorized pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A., Section 480-C no part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within seventy-five (75) feet of any property line, without written permission of the owner of such adjacent property.

3. Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the Shoreland Zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable
from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.

4. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

    a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

    b. The final graded slope shall be two to one (2:1) slope or flatter.

    c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

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

N. Agriculture

1. All spreading or disposal of manure shall be accomplished in conformance with the Maine Guidelines for Manure and Manure Sludge Disposal on Land published by the University of Maine Soil and Water Conservation Commission in July of 1972.

2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, or a great pond classified GPA or a river flowing to a great pond, classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. Within five (5) years of the effective date of this Ordinance all manure storage areas within the Shoreland Zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. Existing facilities, which do not meet the setback requirement may remain, but must meet the no discharge provision within the above five (5) year period.

3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading disposal or storage of manure within the Shoreland Zone shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

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

5. After the effective date of this Ordinance, newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five feet, horizontal distance of other water bodies, nor; within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan.

O. Timber Harvesting

1. Within the strip of land extending seventy-five (75) feet inland from the normal high-water line in a shoreland area zoned for resource protection abutting a great pond there shall be no timber harvesting, except to remove safety hazards.

2. Except in areas as described in Paragraph 1 above, timber harvesting shall conform with the following provisions:

   a. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at four and one-half (4 1/2) feet above the ground level on any lot in any ten (10) year period is permitted. In addition:

      i. Within one-hundred (100) feet, horizontal distance of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

      ii. At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5,000) square feet they shall be at least one hundred (100) feet apart. Such clear-cut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.
b. Timber harvesting operations exceeding the forty (40%) percent limitation in paragraph a. above, may be allowed by the Planning Board upon a clear showing, including a forest management plan signed by a Maine Licensed Profession Forester, that such exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The Planning Board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the Planning Board’s decision.

c. No accumulation of slash shall be left within fifty (50) feet of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body shall be removed.

d. Timber harvesting equipment shall not use stream channels as travel routes except when:

   i. Surface waters are frozen; and

   ii. The activity will not result in any ground disturbance.

e. All crossings or flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surfaces which would not be eroded or otherwise damaged.

f. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

g. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet in width for slopes up to ten (10%) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10%) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet from the normal high-water line of a water body or upland edge of a wetland.
P. Clearing of Vegetation for Development

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

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

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

a. There shall be no cleared opening greater than two-hundred fifty (250) square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten (10) feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond classified GPA, or stream or river flowing to a great pond classified GPA, the width of the foot path shall be limited to six (6) feet.

b. Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. For the purposes of this section a “well-distributed stand of trees and other vegetation” adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of twelve (12) or more in any twenty-five (25) foot square (625 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 - 4 in.</td>
<td>1</td>
</tr>
<tr>
<td>4 - 12 in.</td>
<td>2</td>
</tr>
<tr>
<td>&gt;12 in.</td>
<td>4</td>
</tr>
</tbody>
</table>

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

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

c. In order to protect water quality and wildlife habitat, adjacent to great ponds classified GPA, and streams and rivers which flow to great ponds classified GPA, existing vegetation under three (3) feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described in paragraphs 2 and 2a. above.

d. Pruning of tree branches, on the bottom one-third (1/3) of the tree is permitted.

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

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

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

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

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

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

Q. Erosion and Sedimentation Control

1. All activities which involve filling, grading, excavation or other similar
activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

   a. Mulching and revegetation of disturbed soil.

   b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

   c. Permanent stabilization structures such as retaining walls or riprap.

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

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

4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

   a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

   b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

   c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

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

S. Water Quality

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

T. Archaeological 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.

Section 16: Administration

A. Administering Bodies and Agents

1. Code Enforcement Officer
   a. Code Enforcement Officer shall be appointed or reappointed annually by July 1st.

2. Board of Appeals
   a. Board of Appeals shall be created in accordance with the provisions of Title 30-A, Section 2691.
3. Planning Board

   a. Planning Board shall be created in accordance with the provisions of
      State Law.

B. Permits Required

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

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

   1. nor more than one standard culvert size wider in diameter than the
      culvert being replaced;

   2. not more than twenty-five (25%) percent longer than the culvert being
      replaced;

   3. and not longer than seventy-five (75) feet.

   and provided that adequate erosion control measures are taken to prevent sedimentation
   of the water, and that the crossing does not block fish passage in the water course.

C. Permit Application

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

   2. All applications shall be signed by the owner or owners of the property or
      other person authorizing the work, certifying that the information in the application is
      complete and correct. If the person signing the application is not the owner or lessee of
      the property then that person shall submit a letter of authorization from the owner or
      lessee.

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

4. If the property is not served by a public sewer, a valid 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 would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits

Within thirty-five (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, or approve with conditions, or deny all permit applications in writing within thirty-five (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 thirty-five (35) days after the first available date on the Planning Board’s agenda following the receipt of the completed application, or within thirty-five (35) days of the public hearing, if one is held, Permits shall be approved 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 the application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

1. will maintain safe and healthful conditions;
2. will not result in water pollution, erosion, or sedimentation to surface waters;
3. will adequately provide for the disposal of all wastewater;
4. will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. will conserve shore cover and visual, as well as actual, points of access to inland waters;
6. will protect archaeological and historic resources as designated in the Comprehensive Plan;
7. will avoid problems associated with flood plain development and use;
8. and 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 the 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 of any State law which the municipality is responsible for enforcing.

E. Expiration of Permit

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

F. Installation of Public Utility Service

No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure, located in the Shoreland Zone, unless written authorization attesting to the validity and currency of all local permits, required under this or any previous ordinance, has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

G. Appeals

1. Powers and duties of the Board of Appeals

   The Board of Appeals shall have the following powers:

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

   b. Variance Appeals: to authorize variances, upon appeal, within the limitations set forth in this Ordinance.

2. Variance Appeals

   Variances may be permitted only under the following conditions:

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

   b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

   c. The Board of Appeals shall not grant a variance unless it finds that:
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 the prior owner.

d. 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.

e. A copy of all variances, granted by the Board of Appeals, shall be submitted to the Department of Environmental Protection within fourteen (14) days of the decision.

3. Appeal Procedure

a. Making an Appeal

(1) An administrative or variance appeal may be taken to the Board of Appeals, by an aggrieved party, from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a
showing of good cause, may waive the thirty (30) day requirement.

(2) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:

(i) A concise written statement indicating what relief is requested and why it should be granted.

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

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

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

b. Decision by Board of Appeals

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

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

(3) The person filing the appeal shall have the burden of proof.

(4) The Board shall decide all appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

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

4. Appeal to Superior Court
Any aggrieved party who participated as a part during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within thirty (30) days from the date of any decision of the Board of Appeals.

5. Reconsideration

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

H. Enforcement

1. Nuisances

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

2. Code Enforcement Officer

   a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify, in writing, the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the Municipal Officers and be maintained as a permanent record.

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

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

3. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of
fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in
the name of the municipality. The Municipal Officers, or their authorized agent, are
hereby authorized to enter into administrative consent agreements for the purpose of
eliminating violations of this Ordinance and recovering fines without Court action. Such
agreements shall not allow an illegal structure or use to continue unless there is clear
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 orders or conducts any activity in violation of this Ordinance shall be
penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection
4452.

Section 17: Definitions

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

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

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

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

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

Campground - any area or tract of land to accommodate two (2) or more parties in
temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

**Commercial use** - the use of lands, buildings, or structures, other than a “home occupation,” defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental or residential buildings and/or dwelling units.

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

**Driveway** - a vehicular access-way less than five hundred (500) feet in length serving two lots or less.

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

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

**Expansion of a structure** - an increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.

**Expansion of use** - the addition of months to a use’s operating season; or the use of more floor area or ground area devoted to a particular use.

**Family** - one or more persons occupying a premises and living as a single housekeeping unit.

**Floor area** - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

**Forest management activities** - timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of
Foundation - the supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts or frost walls.

Forested wetland - a fresh water wetland dominated by woody vegetation that is six (6) meters tall or taller.

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

1. 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

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 and inland waters and which cannot 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 storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins and channels, industrial use dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably by located or operated at an inland site, and uses which primarily provide general public access to marine or tidal waters.

Great pond - any inland body of water, which in a natural state, has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Great pond classified GPA - any great pond classified GPA, pursuant to Title 38, Article 4-A, Section 465-A. This classification includes some, but not all impoundment’s of rivers that are defined as great ponds.

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

**Home occupation** - 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) person other than family members residing in the home.

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

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

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

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

**Market value** - the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

**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.

**Multi-unit residential** - a residential structure containing three (3) or more residential dwelling units.
**Non-conforming lot** - a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

**Non-conforming structure** - a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

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

**Normal high-water line** - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetland adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

**Person** - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or their legal entity.

**Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland** -

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

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

**Principal use** - a use other than one which is wholly incidental or accessory to another use on the same premises.

**Public facility** - any facility, including but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated or funded by a governmental body or public entity.

**Recent flood plain soils** - the following soil series as described and identified by the
National Cooperative Soil Survey:

<table>
<thead>
<tr>
<th>Alluvial</th>
<th>Cornish</th>
<th>Charles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fryeburg</td>
<td>Hadley</td>
<td>Limerick</td>
</tr>
<tr>
<td>Lovewell</td>
<td>Medomak</td>
<td>Ondawa</td>
</tr>
<tr>
<td>Podunk</td>
<td>Rumney</td>
<td>Saco</td>
</tr>
<tr>
<td>Suncook</td>
<td>Sunday</td>
<td>Winooski</td>
</tr>
</tbody>
</table>

**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 pickup 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 a permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

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

**River** - a free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

**Road** - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

**Salt marsh** - areas along coastal waters (most often along coastal bays) which support salt tolerant species, and where at average high tide during the growing season, the soil is regularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (Spartina alterniflora). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

**Salt meadow** - areas which support salt tolerant plant species bordering the inward side of salt marshes or open coastal water, where the soil is saturated during the growing
season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (Spartina patens) and black rush: common threesquare occurs in fresher areas.

**Service drop** - any utility line extension which does not cross or run beneath any portion of a water body provided that:

1) in the case of electric service:
   a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way and
   b. the total length of the extension is less than one thousand (1,000) feet.

2) in the case of telephone service:
   a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
   b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

**Setback** - the nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

**Shore frontage** - the length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.

**Shoreland zone** - the land area located within two hundred fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river, or saltwater body; within two hundred fifty feet of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream.

**Significant river segments** - See Title 38, MRSA Sec. 437.

**Stream** - a free flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15 minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area.

**Structure** - anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes.
Substantial start - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system - a collection of treatment tank(s), disposal area(s), holding tank(s) and 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 MRSA, Section 414, any surface wastewater disposal system licensed under 38 MRSA, Section 413, Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA, Chapter 13, Subchapter 1.

Sustained slope - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

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

Tributary stream - a channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term “stream” as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Upland edge - the boundary between upland and wetland.

Vegetation - all live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under four (4) inches in diameter, measured at four and one-half (4 1/2) above ground level.

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

Water body - any great pond, river, stream or tidal area.

Water crossing - any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings.
**Wetland** - a freshwater or coastal wetland.

**Wetlands associated with great ponds and rivers** - wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than one hundred (100) feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.
New Changes to the Shoreland Zoning Ordinance
Section 12. C. Non-conforming structures.
Effective date: September 1, 2002

FROM

1. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure.

Further Limitations

a. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30% or more, during the lifetime of the structure.

TO

1. Expansions: A non-conforming structure may be added to or expanded after obtaining approval from the planning board and a permit from the CEO if such addition or expansion does not increase the non-conformity of the structure and is in accordance with the subparagraphs (a) and (b) below.

(a) Legally existing non-conforming principal and accessory structures that do not meet the water body or wetland setback requirements may be expanded or altered as follows, as long as all other applicable standards contained in this ordinance are met.

i Expansions of any portion of a structure within 25 feet of the normal high water line of a water body or upland edge of a wetland is prohibited, even if the expansion will not increase the non-conformity with the water body or wetland setback requirements.

ii Expansion of an accessory structure that is located closer to the normal high water line of a water body or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase non-conformity with the water body or wetland setback.

iii For structures located less than 75 feet from the normal high water line of a water body or upland edge of a wetland, the maximum combined total floor area for all structures is 1,000 square feet and
the maximum height of any structure is 20 feet or the height of the existing structure, whichever is greater.

iv For structures located less than 100 feet from the normal high water line of a water body or upland edge of a wetland, the maximum combined total floor area for all structures is 1,500 square feet and the maximum height of any structure is 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 any water body or upland edge of a wetland must meet the floor area and height limits of division iii.

(For the purposes of subparagraph (a), a basement is not counted towards floor area.)

Amendments to the Shoreland Zoning Ordinance section 12, C, 1A.

**Special expansion allowance**

1A. Existing principal and accessory structures that exceed the floor area and height limits set in divisions (iii) and (iv) above may not be expanded, except that the limits may be exceeded by not more than 500 square feet provided that all the following requirements are met.

(a) The principal structure is set back at least 50 feet from the normal high water line of a water body or upland edge of a wetland.

(b) A well distributed stand of trees and other vegetation extends at least 50 feet in depth as measured from the normal high water line or upland edge of a wetland for the entire width of the property. A “well distributed stand of trees or other vegetation“ adjacent to a great pond classified GPA or a river flowing to a great pond classified GPA, is defined as maintaining a rating score of 12 or more in any 25 foot by 25 foot square area (626), and adjacent to other water bodies, tributary streams, and wetlands, a “well distributed stand of trees or other vegetation” is defined as maintaining a minimum rating score of 8 per 25 foot by 25 foot square area (626) as determined by the following rating system.

Diameter of tree at 4 ½ feet above ground level

- 2” to 4” 1 point
- 4” to 12” 2 points
- 12” or greater 4 points

If a well distributed stand of trees and other vegetation meeting the requirements of this subparagraph is not present, the 500 square foot special expansion allowance may be permitted only in conjunction with a
written plan, including a scale site drawing, by the property owner, and approved by the planning board or its designee, to re-establish a buffer of trees, shrubs, and other ground cover within 50 feet of the shoreline.

(c) Adjacent to great ponds classified GPA and rivers flowing to great ponds classified GPA except for the allowable foot path, there exists completed natural ground cover, consisting of forest duff, shrubs and other woody and herbaceous vegetation within 50 feet of the normal high water line. Where natural ground cover is lacking, the area must be supplemented with leaf or bark mulch and plantings of native shrubs and other woody and herbaceous vegetation in quantities sufficient to retard erosion and provide for effective infiltration of storm water.

(d) A written plan by the property owner, including a scale site drawing, is approved by the planning board and is developed, implemented and maintained to address the following mitigation measures for property within the shoreland zone.

(i) Un-stabilized areas resulting in soil erosion must be mulched, seeded or otherwise stabilized and maintained to prevent further erosion and sedimentation to water bodies and wetlands.

(ii) Roofs and associated drainage systems, driveways, parking areas, and other non vegetative surfaces must be designed or modified, as necessary, to prevent a concentrated flow of storm water runoff from reaching a water body or wetland. Where possible, runoff must be directed through a vegetated area or infiltrated into the soil through the use of a dry well, stone apron, or similar device.

(1-B) **Planting Requirements.**

Any planting or re-vegetation required as a condition to the special expansion allowance must be accordance with a written plan drafted by a qualified professional, be implemented at the time of construction, and be designed to meet the rating score contained in paragraph (c) when the vegetation matures within the 50 foot strip. At a minimum, the plan must provide for the establishment of a well distributed planting of saplings spaced so that there is at least one sapling per 80 square feet of newly established buffer. Planting saplings may be no less than three (3) feet tall for coniferous species and no less than six (6) feet tall for deciduous species. The planting plan must include a mix of at least three native tree species found growing in adjacent areas, with no more than one species making up more than 50% of the number of saplings planted unless otherwise approved by the planning board or its designee, based on adjacent stand comparison. All aspects of the implemented plan must be maintained by the applicant and future owners.
1-C **Filing and reporting requirements.**

Written plans required pursuant to this section must be filed with the registry of deeds of the county in which the property is located. A copy of all permits issued pursuant to this section must be forwarded by the municipality to the DEP within 14 days of the issuance of the permit.