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Town of Oxford Maine Ordinances

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AN ORDINANCE ESTABLISHING LICENSING REQUIREMENTS AND
REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES WITH IN THE TOWN OF
OXFORD, MAINE.

WHEREAS, sexually oriented businesses require special supervision from the public safety
agencies of the Town in order to protect and preserve the health, safety, and welfare of the patrons
of such businesses as well as the citizens of the Town; and
WHEREAS, the Town finds that sexually oriented businesses, as a category of
establishments, are frequently used for unlawful sexual activities, including prostitution and sexual
liaisons of a casual nature; and
WHEREAS, there is convincing documented evidence that sexually oriented businesses, as
a category of establishments, have deleterious secondary effects and are often associated with crime
and adverse effects on surrounding properties; and
WHEREAS, the Town desires to minimize and control these adverse effects and thereby
protect the health, safety, and welfare of the citizenry; protect the citizens from crime; preserve the
quality of life; preserve the character of surrounding neighborhoods and deter the spread of urban
blight; and
WHEREAS, certain sexually oriented products and services offered to the public are
recognized as not inherently expressive and not protected by the First Amendment, see, e.g., Sewell
v. Georgia, 233 S.E.2d 187 (Ga. 1977), dismissed for want of a substantial federal question, 435
services and sexual encounter services); Williams v. Morgan, 478 F.3d 1316 (11th Cir. 2007)
(upholding ban on sexual novelty devices); and
WHEREAS, there is documented evidence of sexually oriented businesses, including adult
bookstores and adult video stores, manipulating their inventory and/or business practices to avoid
regulation while retaining their essentially "adult" nature, see, e.g., City of New York v. Hommes,
July 25, 2002) (noting that "the nonadult video selections appeared old and several of its display
cases were covered with cobwebs"); z.J Gifts D-4, L.L.C. v. City of Littleton, Civil Action No. 99N-
1696, Memorandum Decision and Order (D. Colo. March 31, 2001) (finding "plaintiff's
argument that it is not an adult entertainment establishment frivolous at best"); People ex rei. Deters
v. The Lion's Den, Inc., Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth
Judicial Circuit, Effingham County, July 13, 2005) (noting that "the accuracy and credibility" of the
evidence on inventory in a Lion's Den was suspect, and that testimony was "less than candid" and
"suggested an intention to obscure the actual amount of sexually explicit material sold"); and
WHEREAS, the Town intends to regulate such businesses as sexually oriented
businesses through a narrowly tailored ordinance designed to serve the substantial government
interest in preventing the negative secondary effects of sexually oriented businesses; and
WHEREAS, the Town's regulations shall be narrowly construed to accomplish this end; and
WHEREAS, the Town recognizes its constitutional duty to interpret, construe, and
amend its laws to comply with constitutional requirements as they are announced; and
WHEREAS, with the passage of any ordinance, the Town accepts as binding the
applicability of general principles of criminal and civil law and procedure and the rights and
obligations under the United States and Maine Constitutions, Maine Revised Statutes Annotated,
and the Maine Rules of Civil and Criminal Procedure; and
WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected
by the U.S. Constitution or the Maine Constitution, but to enact legislation to further the content
neutral governmental interests of the Town, to wit, the controlling of secondary effects of sexually
oriented businesses.
NOW, THEREFORE, be it hereby ordained by the Town of Oxford, Maine at Town Meeting that the following ordinance be enacted:

SEXUALLY ORIENTED BUSINESSES AND OBSCENITY ORDINANCE

ARTICLE A. SEXUALLY ORIENTED BUSINESSES
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ARTICLE C. EFFECTIVE DATE.

ARTICLE A. SEXUALLY ORIENTED BUSINESSES
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Sec. A1. Purpose; findings and rationale.
(a) Purpose. It is the purpose of this Article to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the Town, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the Town. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Article to condone or legitimize the distribution of obscene material.
(b) Findings and Rationale. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Town, and on findings, interpretations, and narrowing constructions incorporated in the cases of City of Littleton v. ZI
Assorted Strip Club Reports, the Town finds:

1) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity,
illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.

(2) Each of the foregoing negative secondary effects constitutes a harm which the Town has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the Town's rationale for this Article, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the Town's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the Town. The Town finds that the cases and documentation relied on in this Article are reasonably believed to be relevant to said secondary effects.

The Town hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.

Sec. A2. Definitions.
For purposes of this Article, the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context.

"Adult Bookstore or Adult Video Store" means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration anyone or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas." A "principal business activity" exists where the commercial establishment meets anyone or more of the following criteria:

(a) At least 35% of the establishment's displayed merchandise consists of said items, or
(b) At least 35% of the wholesale value of the establishment's displayed merchandise consists of said items, or
(c) At least 35% of the retail value (confirmed as the price charged to customers) of the establishment's displayed merchandise consists of said items, or
(d) At least 35% of the establishment's revenues derive from the sale or rental, for any form of consideration, of said items, or
(e) The establishment maintains at least 35% of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items shall be included in "floor space" maintained for the display, sale, or rental of said items); or
(f) The establishment maintains at least five hundred square feet (500 sq. ft.) of its floor space for the display, sale, and/or rental of said items (aisles and walkways used to access said items shall be included in "floor space" maintained for the display, sale, or rental of said items); or
(g) The establishment regularly offers for sale or rental at least two thousand (2,000) of said items; or
(h) The establishment regularly features said items and regularly advertises itself or holds itself out, by using "adult," "adults-only," "XXX," "sex," "erotic," "novelties," or substantially similar language, as an establishment that caters to adult sexual interests; or
(i) The establishment maintains an "adult arcade," which means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per
machine at anyone time, and where the images so displayed are characterized by their emphasis upon matter exhibiting "specified sexual activities" or "specified anatomical areas."

"Adult Cabaret" means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, regardless of whether alcoholic beverages are served, which regularly features live conduct characterized by semi-nudity. No establishment shall avoid classification as an adult cabaret by offering or featuring nudity.

"Adult Motion Picture Theater" means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the display of "specified sexual activities" or "specified anatomical areas" are regularly shown to more than five persons for any form of consideration.

"Characterized by" means describing the essential character or quality of an item. As applied in this Article, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.

"Employ, Employee, and Employment" describe and pertain to any person who performs any service on the premises of a sexually oriented business, on a full time, part time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, lessee, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

"Establish or Establishment" means and includes any of the following:
(a) The opening or commencement of any sexually oriented business as a new business;
(b) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or
(c) The addition of any sexually oriented business to any other existing sexually oriented business.

"Floor Space" means the floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.

"Hearing Officer" means an attorney, not otherwise employed by the Town, who is licensed to practice law in Maine, and retained to serve as an independent tribunal to conduct hearings under this Article.

"Influential Interest" means any of the following: (1) the actual power to operate the sexually oriented business or control the operation, management or policies of the sexually oriented business or legal entity which operates the sexually oriented business, (2) ownership of a financial interest of thirty percent (30%) or more of a business or of any class of voting securities of a business, or (3) holding an office (e.g., president, vice president, secretary, treasurer, managing member, managing director, etc.) in a legal entity which operates the sexually oriented business.

"Licensee" means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual or individuals listed as an applicant on the application for a sexually oriented business license. In the case of an "employee," it shall mean the person in whose name the sexually oriented business employee license has been issued.

"Nudity" means the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque, non-flesh-colored covering, or the showing of the female breast with less than a fully opaque, non-flesh-colored covering of any part of the nipple and areola.

"Operator" means any person on the premises of a sexually oriented business who causes the business to function or who puts or keeps in operation the business or who is authorized to manage the business or exercise overall operational control of the business premises. A person may be found to be operating or causing to be operated a sexually oriented business regardless of
whether that person is an owner, part owner, or licensee of the business.
"Person" means an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

"Premises" means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a sexually oriented business license.

"Regularly" means the consistent and repeated doing of an act on an ongoing basis.

"Semi-Nude or Semi-Nudity" means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

"Semi-Nude Model Studio" means a place where persons regularly appear in a state of semi nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. This definition does not apply to any place where persons appearing in a state of semi-nudity did so in a class operated:
(a) By a college, junior college, or university supported entirely or partly by taxation;
(b) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
(c) In a structure:
(1) Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and
(2) Where, in order to participate in a class a student must enroll at least three days in advance of the class.

"Sexual Device" means any three (3) dimensional object designed for stimulation of the male or female human genitals, anus, buttocks, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices commonly known as dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, nipple clamps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

"Sexual Device Shop" means a commercial establishment that regularly features sexual devices. This definition shall not be construed to include any pharmacy, drug store, medical clinic, any establishment primarily dedicated to providing medical or healthcare products or services, or any establishment that does not limit access to its premises or a portion of its premises to adults only.

"Sexually Oriented Business" means an "adult bookstore or adult video store," an "adult cabaret," an "adult motion picture theater," a "semi-nude model studio," or a "sexual device shop."

"Specified Anatomical Areas" means and includes:
(a) Less than completely and opaquely covered: human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and
(b) Human male genitals in a discernibly turgid state, even if completely and opaquely
"Specified Criminal Activity" means any of the following specified crimes for which less than five years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date:
(a) sex crimes as defined in 17-A M.R.S.A. §§ 253 through 261 and §§ 282 through 284;
(b) prostitution and public indecency crimes as defined in 17-A M.R.S.A. §§ 852 through 855;
(c) assault, domestic violence assault, aggravated assault, or elevated aggravated assault as defined in 17-A M.R.S.A. §§ 207, 207-A, 208, or 208-B;
(d) obscenity crimes as defined in 17 M.R.S.A. §§ 2911 through 2913;
(e) drug crimes as defined in 17-A M.R.S.A. §§ 1103 through 1118;
(f) any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or
(g) any offense committed in another jurisdiction that, had the predicated act(s) been committed in Maine, would have constituted any of the foregoing offenses.
"Specified Sexual Activity" means any of the following:
(a) intercourse, oral copulation, masturbation or sodomy; or
(b) excretory functions as a part of or in connection with any of the activities described in (a) above.
"Town" means the Town of Oxford, Maine.
"Transfer of Ownership or Control" of a sexually oriented business means any of the following:
(a) The sale, lease, or sublease of the business;
(b) The transfer of securities which constitute an influential interest in the business, whether by sale, exchange, or similar means; or
(c) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.
"Viewing Room" means the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, videocassette, digital video disc, or other video reproduction.

Sec. A3. License required.
(a) Business License. It shall be unlawful for any person to operate a sexually oriented business in the Town without a valid sexually oriented business license.
(b) Employee License. It shall be unlawful for any person to be an "employee," as defined in this Article, of a sexually oriented business in the Town without a valid sexually oriented business employee license, except that a person who is a licensee under a valid sexually oriented business license shall not be required to also obtain a sexually oriented business employee license.
(c) Application. An applicant for a sexually oriented business license or a sexually oriented business employee license shall file in person at the office of the Town Manager a completed application made on a form provided by the Town Manager. A sexually oriented business may designate an individual with an influential interest in the business to file its application for a sexually oriented business license in person on behalf of the business. The application shall be signed as required by subsection (d) herein and shall be notarized. An application shall be considered complete when it contains, for each person required to sign the application, the information and/or items required in this subsection (c), accompanied by the appropriate licensing fee.
(l) The applicant's full legal name and any other names used by the applicant in the preceding five (5) years.
(2) Current business address or another mailing address for the applicant.
(3) Written proof of age, in the form of a driver's license, a picture identification document containing the applicant's date of birth issued by a governmental agency, or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency.
(4) If the application is for a sexually oriented business license, the business name, location, legal description, mailing address and phone number of the sexually oriented business.
(5) If the application is for a sexually oriented business license, the name and business address of the statutory agent or other agent authorized to receive service of process.
(6) A statement of whether an applicant has been convicted of or has pled guilty or nolo contendere to a specified criminal "activity as defined in this Article, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.
(7) A statement of whether any sexually oriented business in which an applicant has had an influential interest, has, in the previous five (5) years (and at a time during which the applicant had the influential interest):
   (i) been declared by a court of law to be a nuisance; or
   (ii) been subject to a court order of closure.
(8) An application for a sexually oriented business license shall be accompanied by a legal description of the property where the business is located and a sketch or diagram showing the configuration of the premises, including a statement of total floor area occupied by the business and a statement of floor area visible or accessible to patrons for any reason, excluding restrooms. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches. Applicants who are required to comply with the stage, booth, and/or room configuration requirements of this Article shall submit a diagram indicating that the setup and configuration of the premises meets the requirements of the applicable regulations. The Town Manager may waive the requirements of this subsection (8) for a renewal application if the applicant adopts a legal description and a sketch or diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

The information provided pursuant to this subsection (c) shall be supplemented in writing by certified mail, return receipt requested, to the Town Manager within ten (10) working days of a change of circumstances which would render the information originally submitted false or incomplete.

(d) Signature. A person who seeks a sexually oriented business employee license under this section shall sign the application for a license. If a person who seeks a sexually oriented business license under this section is an individual, he shall sign the application for a license as applicant. If a person who seeks a sexually oriented business license is other than an individual, each person with an influential interest in the sexually oriented business or in a legal entity that controls the sexually oriented business shall sign the application for a license as applicant. Each applicant must be qualified under this Article and each applicant shall be considered a licensee if a license is granted.
(e) The information provided by an applicant in connection with an application for a license under this Article shall be maintained by the office of the Town Manager on a confidential basis, and such information may be disclosed only as may be required, and only to the extent required, by governing law or court order. Any information protected by the right to privacy as recognized by state or federal law shall be required prior to such disclosure.

Sec. A4. Issuance of license.
(a) Business License. Upon the filing of a completed application for a sexually oriented business license, the Town Manager shall immediately issue a Temporary License to the applicant if the completed application is from a preexisting sexually oriented business that is lawfully operating in the Town and the completed application, on its face, indicates that the applicant is entitled to an annual sexually oriented business license. The Temporary License shall expire upon the final decision of the Town to deny or grant an annual license. Within twenty (20) days of the filing of a completed sexually oriented business license application, the Town Manager shall either issue a license to the applicant or issue a written notice of intent to deny a license to the applicant. The Town Manager shall issue a license unless:
(1) An applicant is less than eighteen (18) years of age.
(2) An applicant has failed to provide information required by this Article for issuance of a license or has falsely answered a question or request for information on the application form.
(3) The license application fee required by this Article has not been paid.
(4) The sexually oriented business, as defined herein, is not in compliance with the interior configuration requirements of this Article or is in a location where sexually oriented businesses are prohibited by the Oxford Municipal Code.
(5) Any sexually oriented business in which an applicant has had an influential interest, has, in the previous five (5) years (and at a time during which the applicant had the influential interest):
   (i) been declared by a court of law to be a nuisance; or
   (ii) been subject to an order of closure.
(6) An applicant has been convicted of or pled guilty or nolo contendere to a specified criminal activity, as defined in this Article.
(b) Employee License. Upon the filing of a completed application for a sexually oriented business employee license, the Town Manager shall immediately issue a Temporary License to the applicant if the applicant seeks licensure to work in a licensed sexually oriented business and the completed application, on its face, indicates that the applicant is entitled to an annual sexually oriented business employee license. The Temporary License shall expire upon the final decision of the Town to deny or grant an annual license. Within twenty (20) days of the filing of a completed sexually oriented business employee license application, the Town Manager shall either issue a license to the applicant or issue a written notice of intent to deny a license to the applicant. The Town Manager shall issue a license unless:
(1) The applicant is less than eighteen (18) years of age.
(2) The applicant has failed to provide information as required by this Article for issuance of a license or has falsely answered a question or request for information on the
application form.

(3) The license application fee required by this Article has not been paid.

(4) Any sexually oriented business in which the applicant has had an influential interest, has, in the previous five (5) years (and at a time during which the applicant had the influential interest):
   (i) been declared by a court of law to be a nuisance; or
   (ii) been subject to an order of closure.

(5) The applicant has been convicted of or pled guilty or nolo contendere to a specified criminal activity, as defined in this Article.

(c) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and, if the license is for a sexually oriented business, the address of the sexually oriented business. The sexually oriented business license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be read at any time that the business is occupied by patrons or is open to the public. A sexually oriented business employee shall keep the employee's license on his or her person or on the premises where the licensee is then working or performing.

Sec. A5. Fees.
The initial license and annual renewal fees for sexually oriented business licenses and sexually oriented business employee licenses shall be as follows: one hundred dollars ($100) for the initial fee for a sexually oriented business license and fifty dollars ($50) for annual renewal; fifty dollars ($50) for the initial sexually oriented business employee license and twenty-five dollars ($25) for annual renewal.

Sexually oriented businesses and sexually oriented business employees shall permit the Town Manager and Town Chief Law Enforcement Officer and/or their agents to inspect, from time to time on an occasional basis, the portions of the sexually oriented business premises where patrons are permitted, for the purpose of ensuring compliance with the specific regulations of this Article, during those times when the sexually oriented business is occupied by patrons or is open to the public. This section shall be narrowly construed by the Town to authorize reasonable inspections of the licensed premises pursuant to this Article, but not to authorize a harassing or excessive pattern of inspections.

Sec. A7. Expiration and renewal of license.
(a) Each license shall remain valid for a period of one calendar year from the date of issuance unless otherwise suspended or revoked. Such license may be renewed only by making application and payment of a fee as provided in this Article.
(b) Application for renewal of an annual license should be made at least ninety (90) days before the expiration date of the current annual license, and when made less than ninety (90) days before the expiration date, the expiration of the current license will not be affected.

Sec. A8. Suspension.
(a) The Town Manager shall issue a written notice of intent to suspend a sexually oriented business license for a period not to exceed thirty (30) days if the sexually oriented business licensee has knowingly or recklessly violated this Article or has knowingly or
recklessly allowed an employee or any other person to violate this Article.
(b) The Town Manager shall issue a written notice of intent to suspend a
sexually oriented business employee license for a period not to exceed thirty (30) days if the
employee licensee has knowingly or recklessly violated this Article.

(a) The Town Manager shall issue a written notice of intent to revoke a
sexually oriented business license or a sexually oriented business employee license, as
applicable, if the licensee knowingly or recklessly violates this Article or has knowingly or
recklessly allowed an employee or any other person to violate this Article and a suspension of
the licensee's license has become effective within the previous twelve-month (12-mo.) period.
(b) The Town Manager shall issue a written notice of intent to revoke a
sexually oriented business license or a sexually oriented business employee license, as
applicable, if:
(1) The licensee has knowingly given false information in the application for the
sexually oriented business license or the sexually oriented business employee license;
(2) The licensee has knowingly or recklessly engaged in or allowed possession, use,
or sale of controlled substances on the premises of the sexually oriented business;
(3) The licensee has knowingly or recklessly engaged in or allowed prostitution on
the premises of the sexually oriented business;
(4) The licensee knowingly or recklessly operated the sexually oriented business
during a period of time when the license was finally suspended or revoked;
(5) The licensee has knowingly or recklessly engaged in or allowed any specified
sexual activity or specified criminal activity to occur in or on the premises of the sexually
oriented business; or
(6) The licensee has knowingly or recklessly allowed a person under the age of
eighteen (18) years to consume alcohol or appear in a state of semi-nudity or nudity on the
premises of the sexually oriented business.
(c) The fact that any relevant conviction is being appealed shall have no effect on the
revocation of the license, provided that, if any conviction which serves as a basis of a license
revocation is overturned or reversed on appeal, that conviction shall be treated as null and of no
effect for revocation purposes.
(d) When, after the notice and hearing procedure described in this Article, the Town revokes
a license, the revocation shall continue for one (1) year and the licensee shall not be issued a
sexually oriented business license or sexually oriented business employee license for one (l)
year from the date revocation becomes effective.

Sec. A10. Hearing; license denial, suspension, revocation; appeal.
(a) When the Town Manager issues a written notice of intent to deny,
suspend, or revoke a license, the Town Manager shall immediately send such notice,
which shall include the specific grounds under this Article for such action, to the applicant or
licensee (respondent) by personal delivery or certified mail. The notice shall be directed to the
most current business address or other mailing address on file with the Town Manager
for the respondent. The notice shall also set forth the following: The respondent shall have ten
(10) days after the delivery of the written notice to submit, at the office of the Town Manager, a
written request for a hearing. If the respondent does not request a hearing within
said ten (10) days, the Town Manager's written notice shall become a final denial,
suspension, or revocation, as the case may be, on the thirtieth (30th) day after it is issued, and shall be subject to the provisions of subsection (b) of this Section.

If the respondent does make a written request for a hearing within said ten (10) days, then the Town Manager shall, within ten (10) days after the submission of the request, send a notice to the respondent indicating the date, time, and place of the hearing. The hearing shall be conducted not less than ten (10) days nor more than twenty (20) days after the date that the hearing notice is issued. The Town shall provide for the hearing to be transcribed.

At the hearing, the respondent shall have the opportunity to present all of respondent's arguments and to be represented by counsel, present evidence and witnesses on his or her behalf, and cross-examine any of the Town Manager's witnesses. The Town Manager shall also be represented by counsel, and shall bear the burden of proving the grounds for denying, suspending, or revoking the license. The hearing shall take no longer than two (2) days, unless extended at the request of the respondent to meet the requirements of due process and proper administration of justice. The Hearing Officer shall issue a final written decision, including specific reasons for the decision pursuant to this Article, to the respondent within five (5) days after the hearing.

If the decision is to deny, suspend, or revoke the license, the decision shall advise the respondent of the right to appeal such decision to a court of competent jurisdiction, and the decision shall not become effective until the thirtieth (30th) day after it is rendered. If the Hearing Officer's decision finds that no grounds exist for denial, suspension, or revocation of the license, the Hearing Officer shall, contemporaneously with the issuance of the decision, order the Town Manager to immediately withdraw the intent to deny, suspend, or revoke the license and to notify the respondent in writing by certified mail of such action. If the respondent is not yet licensed, the Town Manager shall contemporaneously therewith issue the license to the applicant.

(b) If any court action challenging a licensing decision is initiated, the Town shall prepare and transmit to the court a transcript of the hearing within thirty (30) days after receiving written notice of the filing of the court action. The Town shall consent to expedited briefing and/or disposition of the action, shall comply with any expedited schedule set by the court, and shall facilitate prompt judicial review of the proceedings. The following shall apply to any sexually oriented business that is lawfully operating as a sexually oriented business, or any sexually oriented business employee that is lawfully employed as a sexually oriented business employee, on the date on which the completed business or employee application, as applicable, is filed with the Town Manager: Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the Town's enforcement of any denial, suspension, or revocation of a Temporary License or annual license, the Town Manager shall immediately issue the respondent a Provisional License. The Provisional License shall allow the respondent to continue operation of the sexually oriented business or to continue employment as a sexually oriented business employee and will expire upon the court's entry of a judgment on the respondent's appeal or other action to restrain or otherwise enjoin the Town's enforcement.

Sec. A11. Transfer of license.
A licensee shall not transfer his or her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the sexually oriented business license application.
Sec. A12. Hours of operation.
No sexually oriented business shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day.

Sec. 13. Regulations pertaining to exhibition of sexually explicit films on premises.
(a) A person who operates or causes to be operated a sexually oriented business which exhibits in a booth or viewing room on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disc, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements.

(1) Each application for a sexually oriented business license shall contain a diagram of the premises showing the location of all operator's stations, booths or viewing rooms, overhead lighting fixtures, and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain equipment for displaying films, video cassettes, digital video discs, or other video reproductions. The diagram shall also designate the place at which the license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Town Manager may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(2) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

(3) The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot candles as measured at the floor level. It shall be the duty of the operator, and of any employees present on the premises, to ensure that the illumination described above is maintained at all times that the premises are occupied by patrons or open for business.

(4) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no specified sexual activity occurs in or on the licensed premises.

(5) It shall be the duty of the operator to post conspicuous signs in well-lighted entry areas of the business stating all of the following:

(i) That the occupancy of viewing rooms less than 150 square feet is limited to one person.
(ii) That specified sexual activity on the premises is prohibited.
(iii) That the making of openings between viewing rooms is prohibited.
(iv) That violators will be required to leave the premises.
(v) That violations of these regulations are unlawful.

(6) It shall be the duty of the operator to enforce the regulations articulated in (5)(i) through (iv) above.

(7) The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any
purpose. An operator's station shall not exceed thirty-two (32) square feet of floor area. If the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms, from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator to ensure that at least one employee is on duty and situated in each operator's station at all times that any patron is on the premises. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

(8) It shall be the duty of the operator to ensure that no porous materials are used for any wall, floor, or seat in any booth or viewing room.

(b) It shall be unlawful for a person having a duty under subsections (a)(I) through (a)(8) to knowingly or recklessly fail to fulfill that duty.

(c) No patron shall knowingly or recklessly enter or remain in a viewing room less than 150 square feet in area that is occupied by any other patron.

(d) No patron shall knowingly or recklessly be or remain within one foot of any other patron while in a viewing room that is 150 square feet or larger in area.

(e) No person shall knowingly or recklessly make any hole or opening between viewing rooms.

Sec. A14. Loitering, exterior lighting and monitoring, and interior lighting requirements.

(a) It shall be the duty of the operator of a sexually oriented business to: (i) ensure that at least two conspicuous signs stating that no loitering is permitted on the premises are posted on the premises; (ii) designate one or more employees to monitor the activities of persons on the premises by visually inspecting the premises at least once every ninety (90) minutes or inspecting the premises by use of video cameras and monitors; and (iii) provide lighting to the exterior premises to provide for visual inspection or video monitoring to prohibit loitering. Said lighting shall be of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than one (1.0) foot candle as measured at the floor level. If used, video cameras and monitors shall operate continuously at all times that the premises are open for business. The monitors shall be installed within an operator's station.

(b) It shall be the duty of the operator of a sexually oriented business to ensure that the interior premises shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than five (5.0) foot candles as measured at the floor level and the illumination must be maintained at all times that any customer is present in or on the premises.

(c) No sexually oriented business shall erect a fence, wall, or similar barrier that prevents any portion of the parking lot(s) for the establishment from being visible from a public right of way.

(d) It shall be unlawful for a person having a duty under this section to knowingly or recklessly fail to fulfill that duty.

Sec. A15. Penalties and enforcement; nuisance.

(a) A person who violates any of the provisions of this Article shall be punished by a civil penalty of not less than one hundred dollars ($100.00) and not more than two thousand five hundred dollars ($2,500.00) for each violation, plus attorneys' fees and costs, to be recovered on complaint, to the use of the Town of Oxford. Each day a violation is committed, or permitted to
continue, shall constitute a separate violation and shall be fined as such.
(b) The Town's municipal officers are hereby authorized to institute civil proceedings
necessary for the enforcement of this Article to enjoin, prosecute, restrain, or correct violations
hereof. Such proceedings shall be brought in the name of the Town, provided, however, that
nothing in this section and no action taken hereunder, shall be held to exclude such criminal,
civil, or administrative proceedings as may be authorized by other provisions of this Article, or
any of the laws in force in the Town or to exempt anyone violating this code or any part of the
said laws from any penalty which may be incurred.
(c) In addition to any other penalty provided in ordinance or by state statute, the commission
of acts prohibited by this Article shall constitute a nuisance and may be abated by the Town
seeking an injunction to prohibit further and continued violation of this Article.

Sec. A16. Applicability of article to existing businesses.
All preexisting sexually oriented businesses lawfully operating in the Town in compliance with
all state and local laws prior to the effective date of this Article, and all sexually oriented
business employees working in the Town prior to the effective date of this Article, are hereby
granted a De Facto Temporary License to continue operation or employment for a period of
ninety (90) days following the effective date of this Article. By the end of said ninety (90) days,
all sexually oriented businesses and sexually oriented business employees must conform to and
abide by the requirements of this Article. Notwithstanding anything to the contrary in 1
M.R.S.A. § 302, or in § 1-20 of the Oxford Municipal Code, this Article applies to any applications
pending or approved on the date of its passage, regardless of whether such applications would
constitute a "pending proceeding" under 1 M.R.S.A. § 302. Nothing in this Article shall be
interpreted to mean it is other than a police power regulation, effective in relation to its regulated
activities once enacted.

Sec. A17. Prohibited conduct.
(a) No patron, employee, or any other person shall knowingly or intentionally, in a sexually
oriented business, appear in a state of nudity or engage in a specified sexual activity.
(b) No person shall knowingly or intentionally, in a sexually oriented business, appear in a
semi-nude condition unless the person is an employee who, while semi-nude, remains at least six
(6) feet from all patrons and on a stage at least eighteen (18) inches from the floor in a room of at
least six hundred (600) square feet.
(c) No employee who regularly appears semi-nude in a sexually oriented business shall
knowingly or intentionally touch a customer or the clothing of a customer on the premises of a
sexually oriented business.
(d) No person shall possess, use, or consume alcoholic beverages on the premises of a
sexually oriented business.
(e) No person shall knowingly or recklessly allow a person under the age of eighteen (18)
years to be or remain on the premises of a sexually oriented business.
(f) No operator or licensee of a sexually oriented business shall knowingly violate the
regulations in this section or knowingly allow an employee or any other person to violate the
regulations in this section.
(g) A sign in a form to be prescribed by the Town Manager, and
summarizing the provisions of subsections (a), (b), (c), (d), and (e), shall be posted near the
entrance of the sexually oriented business in such a manner as to be clearly visible to patrons
upon entry. No person shall cover, obstruct, or obscure said sign.
Sec. A18. *Scienter required to prove violation or business licensee liability.*
This Article does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of a provision of this Article. Notwithstanding anything to the contrary, for the purposes of this Article, an act by an employee that constitutes grounds for suspension or revocation of that employee's license shall be imputed to the sexually oriented business licensee for purposes of finding a violation of this Article, or for purposes of license denial, suspension, or revocation, only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

Sec. A19. *Failure of Town to meet deadline not to risk applicant/licensee rights.*
In the event that a Town official is required to act or to do a thing pursuant to this Article within a prescribed time, and fails to act or to do such thing within the time prescribed, said failure shall not prevent the exercise of constitutional rights of an applicant or licensee. If the act required of the Town official under this Article, and not completed in the time prescribed, includes approval of condition(s) necessary for approval by the Town of an applicant or licensee's application for a sexually oriented business license or a sexually oriented business employee's license (including a renewal), the license shall be deemed granted and the business or employee allowed to commence operations or employment the day after the deadline for the Town's action has passed.

Sec. A20. *Severability.*
This Article and each section and provision of said Article hereunder, are hereby declared to be independent divisions and subdivisions and, not withstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said Article, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid. Should any procedural aspect of this Article be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this Article.

Any provision(s) in the Municipal Code of Ordinances, Town of Oxford, Maine specifically in conflict with any provision in this Article is hereby deemed inoperative and repealed.

ARTICLE B. OBSCENITY

Sec. B-1. Purpose.
Sec. B-4. Exceptions.
Sec. B-5. Penalty.
Sec. B-6. Applicability of Article to Pending Applications.
Sec B -7. Severability.

Sec. B-1. Purpose.
The purpose of this ordinance is to prohibit any commercial enterprise from presenting, engaging in, or disseminating any obscene exhibitions or material for profit. It is not intended to suppress or inhibit the free exchange of ideas or artistic expression, nor to regulate the behavior of individuals in the privacy of their own residences. This ordinance is enacted for promoting and protecting the general welfare, public safety, public order, and morals of the people of the Town of Oxford, Maine.

For purposes of this Article, the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context.

"Commercial Enterprise" means any business, corporation, association, partnership, or natural person; or any trustee, lessee, agent, assign or other legal entity of any of the above.
"Engage in" means to solicit, produce, direct, manage, physically participate in, compensate others for, further the interest of, or otherwise be involved with the proscribed conduct.
"Present" means to show, reveal, display or expose to any person.
"Disseminate" means to import, publish, produce, print, manufacture, distribute, sell, lease, rent, exhibit or display.
"Exhibit or Exhibition" means any aural, visual, or tactile performance, dramatization, simulation of, show or display which includes any amount of human, animal or animated conduct presented in a live performance or by silhouette.
"Material" means any printed matter, visual representation or sound recording including but not limited to, books, magazines, motion pictures, photographs, figures, statues or other types of representation or embodiment.
"Obscene" means any conduct, exhibit, or material of a sexual nature which:
(a) To the average individual applying contemporary community standards considered as a whole, appeals to prurient interests;
(b) Presents in a patently offensive manner, sexual acts, sodomy, bestiality, excretory functions, masturbation, direct stimulation of male, or female or animal genitals, flagellation or torture in the context of sexual acts or gratification, exhibits of male or female genitals, and
(c) Considered as a whole lacks serious literary, artistic, political or scientific value.

(a) It shall be unlawful for any commercial enterprise to present for profit, any obscene exhibitions within the Town of Oxford.
(b) It shall be unlawful for any commercial enterprise to engage in for profit, any obscene exhibitions within the Town of Oxford.
(c) It shall be unlawful for any commercial enterprise to disseminate any obscene materials for profit within the Town of Oxford.
(d) It shall be unlawful for any commercial enterprise to solicit, permit, promote, or assist any commercial enterprise or private person to present, engage in or disseminate any obscene exhibit or materials within the Town of Oxford.

Sec. B4. Exceptions.
(a) This ordinance is not intended to regulate any established or existing school, church, museum, private or public library or governmental agency nor their libraries or collections as they may exist under state, local or federal law.
(b) This ordinance is not intended to regulate any conduct expressly regulated by existing state statute.

Sec. B5. Penalty.
(a) Any conduct made unlawful by this ordinance and any violation of this ordinance shall be punishable by a civil penalty of not less than one hundred dollars ($100.00) and not more than two thousand five hundred dollars ($2,500.00) for each violation, plus attorneys' fees and costs, to be recovered on complaint, to the use of the Town of Oxford. Each day that such unlawful act or violation continues shall be considered a separate violation.
(b) In addition to any other penalty provided by law, the commission of acts prohibited by this Ordinance shall constitute a nuisance and may be abated by the Town seeking an injunction to prohibit further and continued violations.

Sec. B6. Applicability of article to pending applications.
Notwithstanding anything to the contrary in 1 M.R.S.A. § 302, or in § 1-20 of the Oxford Municipal Code, this Article applies to any applications pending or approved on the date of its passage, regardless of whether such applications would constitute a "pending proceeding" under 1 M.R.S.A. § 302. Nothing in this Article shall be interpreted to mean it is other than a police power regulation, effective in relation to its regulated activities once enacted.

Sec. B7. Severability.
This Article and each section and provision of said Article hereunder, are hereby declared to be independent divisions and subdivisions and, not withstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said Article, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid. Should any procedural aspect of this Article be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this Article.

Sec. B8. Conflicting code provisions repealed.
Any provision(s) in the Municipal Code of Ordinances, Town of Oxford, Maine specifically in conflict with any provision in this Article is hereby deemed inoperative and repealed.
ARTICLE C. EFFECTIVE DATE.

Sec. C1. Effective date.
This Ordinance shall take effect and be in force from the time of its adoption by the voters of the Town of Oxford at Town Meeting.

This certifies to the municipal clerk of Oxford that the within ordinance is a true copy of an ordinance entitled Sexually Oriented Businesses and Obscenity Ordinance to be acted upon by the voters at a town meeting to be held on September 1, 2011.
Dated: August 18, 2011
Municipal Officers of Oxford

________________________________________
________________________________________
________________________________________
________________________________________
CABLE TELEVISION REGULATION ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE REGULATION OF BASIC SERVICE TIER RATES AND RELATED EQUIPMENT, INSTALLATION AND SERVICE CHARGES OF ANY CABLE TELEVISION SYSTEM OPERATION IN THE TOWN OF OXFORD.

Whereas, on October 5, 1992, Congress enacted the Cable Television Consumer protection and Competition Act of 1992 which, among other things, provided that the basic service tier rates, and the charges for related equipment, installation and services, of a cable television system (hereinafter, “Basic Service Rates and Charges”) shall be subject to regulation by a franchising authority in accordance with regulations prescribed by the Federal communications Commission (hereinafter the “FCC”); and

Whereas, on April 1, 1993 the FCC prescribed such regulations in the Report and Order, In the Matter of Implementation of Sections of Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation, MM Docket 92-266, FCC 93-177 (released May 3, 1993) (hereinafter the “FCC Rate Regulation”); and

Whereas, the Town of Oxford (hereinafter, The “Town”) is a franchising authority with the legal authority to adopt, and the personnel to administer regulations with respect to the Basic Service Rates and Charges of any cable television system operating in the Town, including, without limitation, the system currently being operated by A-R Cable Services – ME, Inc. (hereinafter “the Company”) pursuant to the FCC Form 328 (hereinafter the “Franchise”); and

Whereas, the Town desires to regulate the Basic Service Rates and Charges of the Company and any other cable television system operating in the Town shall do so in accordance with the FCC Rate Regulations, notwithstanding any different or inconsistent provisions in the Franchise.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SELECTMEN OF THE TOWN OF OXFORD, THAT:

1. The Town will follow the FCC Rate Regulations in its regulation of the Basic Service Rates and Charges of the Company and any other cable television system operating in the Town, notwithstanding any different or inconsistent provisions in the Franchise; and

2. In connection with such regulation, the Town will ensure a reasonable opportunity for consideration of the views of interested parties; and

3. The Town Manager, or his or her designee, is authorized to execute on behalf of the Town and file with the FCC such certification forms or other instruments as are now or may hereafter be required by the FCC Rate Regulations in order to enable the Town to regulate Basic Service Rates and Charges; and

4. This Ordinance shall be effective immediately.

Selectmen: Signatures on file

Attest: Signature on file

Town Clerk
Adopted: November 4, 1993
This Article shall be known and may be cited as the "Cemetery Ordinance of the Town of Oxford, Maine."

§ 1-2. Purpose.
The purpose of this chapter is to set fees for cemetery burial plots; establish regulations and procedures to govern burials, placement of monuments and decorations; ensure the safety of employees; and provide a beautiful and dignified resting place for deceased loved ones.

§ 1-3. Hours of Operation.
All cemeteries operated by the Town of Oxford shall be open to the public from dawn to dusk every day. Any person found in a cemetery between dusk and dawn may be charged with trespassing.

§ 1-4. Restricted Activities.
No dogs or other domestic animals shall be allowed in cemeteries. Picnics, horseplay, sports activities, or any gatherings not in keeping with the purpose and dignity of a cemetery are prohibited.

§ 1-5. Cost of Burial Plots.
The cost for one standard gravesite shall be $175 for a resident of the Town of Oxford and $250 for a non-resident. The cost for cremains site shall be the same as a standard gravesite. All proceeds from the sale of sites shall be deposited into the Cemetery Trust Account.

§ 1-6. Opening and Closing of Graves.
The Town of Oxford does not provide excavation service for opening or closing graves, and will not bear any associated costs. Excavators and/or funeral directors must contact the Town of Oxford's Building and Grounds Maintenance Supervisor at least 48 hours prior to any grave opening, interment or disinterment to locate and mark the correct burial space. Immediately following an interment or disinterment, excavators shall be responsible for restoring and leveling the gravesite. No sites shall be mounded, except where consistent with existing practice. Excavators shall remove all excess material from the site, repair damage to any other plots, and shall repair any settling...
of the site for one year following any excavation, grave opening or closing.
§ 1-7. Placement of Headstones, Lot Markers and Corner Markers.
The location of headstones, lot markers and corner markers shall be approved by
the Town's Building and Grounds Maintenance Supervisor prior to placement. The
supervisor shall be contacted at least 48 hours prior to placement of
headstones, lot markers or corner markers.

In order to ensure the safety of the Town's grounds crew, artificial flowers
must be placed in containers. Glass containers are prohibited.
The Town reserves the right to remove trees or shrubs planted on a gravesite
which become dangerous, or detrimental to the adjacent grounds because of
encroachment of roots or branches. Such trees or shrubs may be removed only
after reasonable attempts have been made to contact the lot owner or other
responsible party.
No hedges, fencing, walls, curbing, railings, or similar structures or
enclosures shall be erected around gravesites following adoption of this
ordinance. Existing structures or enclosures may be maintained, but not
expanded.
All winter decorations shall be removed prior to mowing season.
The Town reserves the right to trim or remove any items which are contrary to
this ordinance, or which have become unsightly and no longer contribute to the
beauty and dignity of the cemetery. The Town is not responsible for any items
removed.

§ 1-10. Administration, Enforcement and Appeal.
This Ordinance shall be administered and enforced by the Town Manager or his/her
designee.
Appeal of decisions made by the Town Manager's designee under the authority
granted by this ordinance may be made in writing to the Town Manager. Appeal of
decisions made by the Town Manager under the authority granted by this ordinance
may be made in writing to the Town Selectmen. The Town Selectmen or Town Manager
(whichever is appropriate) shall schedule a hearing as soon as possible and
render a written decision on the appeal within fifteen (15) days.

§ 1-11. Penalties.
Any person, firm, corporation or other entity violating the provisions of this Ordinance commits
a civil violation and may be required to pay a civil penalty of not less than $100.00 nor more
than $500.00 plus attorney's fees and costs. Civil penalties shall accrue to the Town of Oxford.
The Town may also seek injunctive relief for violations of this Ordinance.

§ 1-12. Effective Date.
The provisions of this ordinance shall take effect as of June 17, 2006.
DOG ORDINANCE
FOR THE
MUNICIPAL TOWN OF
OXFORD

Enacted
09/20/2018

OXFORD DOG ORDINANCE
DOG ORDINANCE

A. Title

This Ordinance shall be known and may be cited as the "Dog Ordinance of the Town of Oxford, Maine".

B. Authority and Purpose

This Ordinance is enacted pursuant to the authority in Title 30A M.R.S.A., Sections 2101 and 3001 and the purpose of this Ordinance is to provide regulations in addition to those contained in Title 7 M.R.S.A., Sections 3911-3964 with respect to controlling dogs throughout the Town of Oxford in the interest of the health, safety and general welfare of its residents.

C. Definitions

1. "At Large" means off the premises of the owner and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog.

2. "Owner" means any person, firm, association, partnership, or corporation owning, controlling, keeping or harboring a dog.

3. "Nuisance" shall mean a dog which by loud, frequent, and habitual barking, howling or yelping, disturbs the peace, or a dog which chases persons or vehicles, or a dog which causes damage to persons or property.

4. "Dangerous Dog" shall mean a dog that causes reasonable fear of bodily injury to any person or which attacks or threatens to attack any person.

5. "Cemetery" means a public or private graveyard, burial ground, or area set apart for interment of the dead, including not only the individual lots for depositing of the dead but also any areas surrounding said lots that are within the borders of the graveyard, burial ground, or area set apart for interment of the dead.

6. “Park” means the ballfields and beach area of Pismo Beach and the ballfields on the Pottle Road.

7. “Boarding Kennel” means any place, building, tract of land or abode in or on which 3 or more privately owned companion animals are kept at any one time for their owners in return for a fee or compensation and includes a facility where 3 or more companion animals are kept for training purposes for compensation.
8. "Kennel" means 5 or more dogs kept in a single location under one ownership for breeding, hunting, show, training, field trials, sledding, competition or exhibition purposes. The sale or exchange of one litter of puppies within a 12-month period alone does not constitute the operation of a kennel.

D. Regulations

1. No dog shall be kept within the limits of the Town unless such dog shall have been licensed and such license is displayed by its owner in accordance with the statutes of the state. The provisions of this section shall not apply to any dog belonging to an out of state resident, visiting within the town, without the intention of becoming a resident, but the owner of such a dog shall comply with the remaining provisions of this article.

2. No owner shall permit a nuisance. Any licensed kennel or boarding kennel is exempt from this provision as long as the kennel or boarding kennel was in business prior to the adoption date of this Ordinance at town meeting.

3. Dangerous dogs shall be confined in a secure enclosure or on a chain or leash controlled by the owner or custodian at all times.

4. It shall be unlawful for any dog, licensed or unlicensed, to run at large, except when used for hunting.

5. No person shall cause or permit any animal or dog owned by him or her, in his or her custody, or under his or her control to be within any cemetery or park unless on the walkways and roadways and held in leash by a responsible person, the leash not to exceed eight (8) feet in length or one dog under voice control.

6. An owner must remove and dispose of any feces left by his/her animal on any sidewalk, street, beach, public property or private property (other than the property of the owner of the animal or of a person who has consented to the presence of the animal on his or her property) and deposit such feces into appropriate litter receptacle. An owner whose animal is present on any property from which the animal’s feces is required to be removed pursuant to this section must have in his or her possession a plastic bag or similar utensil not part of the human body for collecting and removing the feces. This regulation shall not apply to any person who, by reason of physical handicap, is unable to comply with the requirement.

E. Records

It shall be the duty of a police officer or animal control officer to keep or cause to be kept, an accurate and detailed record of the impoundment and disposition of all dogs coming into his custody.
F. Enforcement

This Ordinance shall be enforced by the Animal Control Officer and the Oxford Police Department

G. Penalties

Any person who violates this chapter commits a civil violation for which a forfeiture of not less than $50 nor more than $250 may be adjudged for a first violation and not less than $100 nor more than $500 for 2 or more violations, plus reasonable attorney’s fees and costs. All penalties recovered shall be paid to the Town.

H. Severability

The provisions of this Ordinance are severable, and if any provision shall be declared to be invalid or void, the remaining provisions shall not be affected and shall remain in full force and effect.
TOWN OF OXFORD

MASS GATHERING ORDINANCE

ADOPTED
NOVEMBER 03, 1987

AMENDED
January 06, 2011
Town of Oxford
Mass Gathering Ordinance

Sec. 1 Statement of Purpose

The Town of Oxford finds that unregulated mass gatherings pose a threat to the health, safety, and welfare of the community. Large numbers of patrons overtax the roads leading to the place where the gathering is being held preventing the passage of emergency vehicles, delaying persons using these roads for other purposes, and obstructing entrances to homes and places of business so that residents and business guests are denied access. Mass gatherings also exceed the capacity of the community to provide lodging, parking, food, water, medical services and sanitary facilities resulting in trespasses upon and damage to private property, the use of private property as public toilets, and the creation of hazards to the health of both patrons and residents. A lack of sufficient security forces to cope with large crowd’s results in open violations of laws intended to prevent breaches of the peace and illegal consumption of drugs and alcohol. Unregulated mass gatherings also interfere with the peaceful enjoyment of their homes and property by residents of the Town through the creation of noise, congestion, and unauthorized use of private property.

Sec. 2 Regulation of Gatherings Exceeding 1,000 Persons

Any person, corporation, or organization that sponsors or promotes a gathering of 1,000 or more persons or permits the same to take place on land under his ownership or control shall be subject to the following.

(a) The facilities provided at the site of the gathering shall comply with the regulations promulgated November 7, 1978 by the State of Maine Department of Human Services pertaining to mass gatherings including The guidelines attached thereto as Appendix A without limitation as to the Site or duration of the event. A copy of such guidelines is attached to and Made a part of this ordinance.

(b) At least 7 days prior to the date of the gathering, the sponsor or promoter shall give notice to the Town of Oxford of the time and place of the gathering and the nature of the event. At least one professionally certified police officer (not including persons concerned solely with traffic control) shall be available for each 1,000 persons in attendance. The Oxford Police Chief may increase or decrease the number of police Officers required to be in attendance based on satisfactory evidence that Greater or less security will be required because of the nature of the event In question and the availability of competent no certified personnel to Control the crowd. An appeal may be taken from the decision of the Police Chief to the Board of Selectmen whose decision shall be final.

(c) An adequate number of persons with experience in traffic control will be provided to direct traffic at the site both before and after the event.
(d) No such gathering shall continue later than 12 midnight.

(e) Noise generated by the event will not unreasonably disturb persons living in the vicinity where the event will take place.

(f) Where more stringent regulations are provided with respect to gatherings of more than 5,000 persons, those provisions shall apply.

(g) If a road is to be closed for an event all abutter on road will be given written notification.

(h) For events over 10,000 people, all abutters within 500 feet will be given written notification of a public hearing on the application.

Sec. 3 Permits Required

No person, corporation, or organization may sponsor, promote, or carry on a mass gathering without first obtaining a permit therefor. For purposes of this ordinance, a “mass gathering” (sometimes hereinafter referred to simply as “an event”) is defined as any festival, amusement, show, concert, parade or other activity attended by 5,000 or more persons.

Sec. 4 Application Procedure (Mass Gatherings of less than 15,000 Persons)

An application for a permit to hold a mass gathering of less than 15,000 persons shall be filed with the Selectmen not less than 30 days before the date of the scheduled event. If left with the Town Clerk, the application shall be deemed to have been legally “filed” on the date of the next regularly scheduled meeting of the Selectmen regardless of when it was left with the Town Clerk. The application shall be accompanied by a non refundable fee of $250.00. Promptly following the filing of the application the Selectmen shall give notice of the same by publishing at least once in a newspaper having general circulation in the town, notice of the proposed mass gathering including the date, location, number of tickets proposed to be sold and a general description of the proposed event. The notice shall state the time and place at which the application will be considered by the Selectmen. A copy of the notice shall also be mailed to or served upon the applicant.

Sec. 5 Contents of Application (Mass Gatherings of Less than 15,000 Persons)

The application required in the preceding section shall include the following:

a. A statement of the number of persons expected to attend the event together with the maximum number of tickets which will be made available.
b. A description of the proposed event.

c. A description of the place where the event will take place including the permanent and temporary seating capacity of the facility, number of toilets which will be available, sources of potable water, and parking spaces on the site.

d. Availability of first aid and emergency medical facilities. All costs associated with furnishing emergency medical services shall be borne by the applicant.

e. A description of the number, type, and location of refuse disposal facilities including a statement as to when and how the accumulated refuse will be picked up, by whom, and to what facility it will be taken. The applicant shall provide assurance that refuse containers will be readily accessible and that at least one 50 gallon refuse container or equivalent will be provided for each 100 persons expected to attend.

f. A detailed plan showing how crowd security and police protection of private property will be accomplished. The plan shall contain at a minimum the following:

1. Assurance that at least one professionally certified police officer (not including persons concerned solely with traffic control) will be available for each 1,000 persons expected to be in attendance, under the direction and control of the Oxford Police Chief. The Selectmen, after consultation with the Police chief, may increase or decrease the number of police officers required to be present based on satisfactory evidence that greater or less security will be required because of the nature of the particular event being proposed and the availability of competent noncertified personnel to control the crowd.

2. An explanation of how and where the police officers in question will be deployed before, during, and after the event.

3. A statement by the Oxford Chief of Police that he has reviewed the proposed plan and has found it to be acceptable. It is understood that the Chief of Police is only expected to exercise his best judgment in reviewing the plan and that he will not be civilly responsible if the approved plan later proves to be defective. If the Chief of Police does not accept the plan, he shall state in writing the basis for his objections. The applicant may appeal his decision to the Board of Selectmen whose decision shall be final.
g. A detailed plan for controlling traffic. The plan shall contain at a minimum the following:

1. The number and description of persons who will be present to direct traffic at the site both before and after the event and their locations.
2. Assurance that adequate parking will be available for the number of vehicles expected.

h. Assurance that all other licenses or permits required by state or local agencies to hold the event in question on the designated site including any licenses or permits required to cover the facilities to be furnished by the applicant in connection with the event have been obtained and, if not, what means are being pursued to obtain them and when approval is anticipated. Copies of all such permits shall be filed with the Town Clerk when received by the applicant.

i. Such other information as the Selectmen may reasonable require.

Sec 6 Liability Insurance

Prior to receiving a permit for a mass gathering and, in any event, no later than 15 days prior to the scheduled date of the event, the applicant shall furnish to the Town Clerk a certificate of insurance issued by a reputable insurance company providing liability coverage in the amount of at least $1,000,000 with respect to the injury or death of one or more persons in connection with the event in question. Such insurance policy shall also provide coverage for property damage in the amount of at least $100,000. The insurance policy in question shall contain a provision requiring at least 10 days notice be given to the Town prior to cancellation. This section shall apply to all mass gatherings regardless of the maximum number of persons expected.

Sec 7 Issuance of Permit (Mass Gatherings of less than 15,000 persons)

The Selectmen shall issue a permit for a mass gathering of less than 15,000 persons when satisfied that the assurances and obligations imposed by this ordinance and assumed by the applicant have been or will be met. All assurances made and obligations assumed by the applicant in the application shall be deemed to be conditions upon the issuance of the permit. In issuing the permit, the Selectmen may impose such additional conditions as may be reasonably required to assure compliance with the terms of the application or the provisions of this ordinance. The Selectmen shall issue or deny the permit not more than 20 days after the application is filed. If the permit is denied, the Selectmen shall give the applicant written reasons for the denial which shall include a statement of the actions on the part of the applicant which must be taken in order for the permit to be issued. If the Selectmen fail to issue the permit or send written reasons for denial within the allotted time, the permit shall be deemed to have been approved.
Sec 8 Application Procedure (Mass Gatherings of 15,000 Persons or More)

An application for a permit to hold a mass gathering of 15,000 persons or More shall be filed with the Selectmen not less that 60 days before the date Of the scheduled event. In all other respects the procedure shall be the same as That prescribed in section four (4) except that the fee shall be $500.00.

Sec. 9 Contents of Application (Mass Gatherings of 15,000 Person or More).

The application required in the preceding section shall include the following.

a. A statement of the number of persons expected to attend the event together with the maximum number of tickets which will be made available.

b. A description of the proposed event. When a performance of some kind is to be presented, the applicant shall include information regarding the three most recent outdoor performances by the same person or persons in question including the date and location of the performance, the number of persons who attended, and the names of the persons or organizations who sponsored the performance. If there have been no outdoor performances within the previous six months, the applicant shall provide the same information with respect to the three most recent indoor performances.

c. A description of the place where the event will take place including the permanent and temporary seating capacity of the facility, number of toilets which will be available, sources of potable water, and parking spaces on? the site. All facilities required by this ordinance shall comply with the regulations promulgated by the Department of Human Services pertaining to a mass gatherings without limitation regarding the site or duration of the event. When off-site facilities are to be utilized, they shall be described and written consents from the owners of the property to be utilized shall be submitted with the application.

d. Availability of first aid and emergency medical facilities including:

1. Location of first aid building or tent.

2. Description of available emergency communications by radio and telephone.

3. Assurance that area hospitals have been made aware of the date and time of the proposed mass gathering and number of persons expected.

4. All emergency medical services (EMS) shall be provided. All EMS personnel must be either Oxford Fire Rescue personnel.
and/or an EMS provider approved by the Oxford Fire and Rescue Chief(s). All EMS personnel shall be licensed by the State of Maine as EMS providers. An appeal may be taken from the decision of the Oxford Fire and Rescue Chief(s) to the Board of Selectmen whose decision shall be final.

a. Onsite emergency medical services available must be adequate to accommodate the number of persons expected at the event. All costs associated with furnishing emergency medical services shall be borne by the applicant.

b. A detailed plan as to how the EMS system will work at the event shall be submitted to the Oxford Fire/Rescue Chief(s) 30 days prior to the event.

e. A description of the number, type, and location of refuse disposal facilities including a statement as to when and how the accumulated refuse will be picked up, by whom, and to what facility it will be taken. The applicant shall provide assurance that refuse containers will be readily accessible and that at least one 50 gallon refuse container or equivalent will be provided for each 100 persons expected to attend.

f. A detailed plan showing how crowd security and police protection of private property will be accomplished. The plan shall contain at a minimum the following:

1. Assurance that at least one professionally certified police officer (not including persons concerned solely with traffic control) will be available for each 1,000 persons expected to be in attendance, under the direction and control of the Oxford Police Chief. A statement as to where the officers in question will be recruited from shall be provided. The Selectmen, after consultation with the Police Chief, may increase or decrease the number of police officers required to be present based on satisfactory evidence that greater or less security will be required because of the nature of the particular event being proposed and the availability of competent noncertified personnel to control the crowd.

2. An explanation of how and where the police officers in question will be deployed before, during, and after the event.

3. A statement by the Oxford Chief of Police that he has reviewed
the proposed plan including the qualifications of the police officers involved and has found the plan and the officers’ qualifications to be acceptable. It is understood that the Chief of Police is only expected to exercise his best judgment in reviewing the plan and that he will not be civilly responsible if the approved plan later proves to be defective. If the Chief of Police does not accept the plan or the police officers’ qualifications, he shall state in writing the basis for his objections. The applicant may appeal his decision to the Board of Selectmen whose decision shall be final.

g. A detailed plan for controlling traffic. The plan shall contain at a minimum the following:

1. A description of the routes which persons attending the event are likely to take. Towns adjoining Oxford shall be notified regarding the nature of the event, the number of persons expected to attend, and the routes likely to be utilized when they pass through the town in question.

The methods which will be used to publicize alternative means of reaching the scene of the event from out-of-town locations.

3. The number and description of persons who will be present to direct traffic at the site both before and after the event and their locations.

4. A description of what means will be available to remove disabled vehicles from locations under the control of the applicant where their presence will obstruct the free flow of traffic including a written statement by any private towing agency proposed to be utilized that his towing service will be available.

5. Assurance that adequate parking will be available for the number of vehicles expected.

h. A detailed plan for discouraging the presence of persons not holding tickets have been issued and preventing such persons from trespassing on private property in the vicinity of the event. The plan shall contain at a minimum the following:

1. A statement that persons not holding valid tickets to an event for which tickets are issued will not be permitted to remain on property under the applicant’s control in the vicinity of the event.

2. Written authorization to police to remove persons not holding valid tickets who are trespassing on property owned by or under
the applicant in the vicinity of the event after the event is sold out. By filing the application, the applicant authorizes police officers to enter any premises under his control at reasonable times in order to remove trespassers and otherwise enforce compliance with this restriction.

3. Assurance that persons not holding tickets for an event for which tickets have been issued will not be permitted to use parking, toilet, or camping facilities under the control of the applicant except persons employed by the applicant or otherwise authorized to provide support service for the event.

4. Assurance that best efforts will be used by the applicant to terminate all advertising and other publicity promoting the event as soon as it is apparent that the event will be sold out.

5. A description of the means which will be used to publicize the fact that the event has been sold out or cancelled, if this occurs, and that persons not holding tickets who are trespassing on private property near the scene of the event will be subject to arrest, and that all state laws and local ordinances protecting private property will be strictly enforce. This information shall be publicized in the same media markets in which publicity was originally given to the holding of the event.

i. Assurance that any noise generated by the event will not unreasonably disturb persons living in the vicinity of the location where the event will take place.

j. Assurance that all other licenses or permits required by state or local agencies to hold the event in question on the designated site including any licenses or permits required to cover the facilities to be furnished by the applicant in connection with the event have been obtained and, if not, what means are being pursued to obtain them and when approval is anticipated. Copies of all such permits shall be filed with the Town clerk when received by the applicant.

k. A detailed description of the media in which the event will be publicized.

I. an irrevocable designation of an agent within the State of Maine to receive notices in connection with the issuance or revocation of the permit or the filing of claims against the security bond.

m. Such other information as the Selectmen may reasonably require.
Sec 10 Security Bond

Prior to receiving a permit for a mass gathering of 15,000 persons or more, in any event, no later than 15 days before the scheduled date of the mass gathering, the applicant shall file with the Town Clerk a surety bond issued by a reputable surety company licensed to do business in the State of Maine in an amount equal in dollars to the number of tickets available for the event multiplied by four. Cash or negotiable securities acceptable to the Selectmen may be pledged to satisfy the provisions of this sub-section in lieu of a bond. The amount of the bond may be reduced by the amount of any similar bond furnished to the Department of Human Services in connection with the same event pursuant to 22 M.R.S.A. §1604. The bond shall be used to satisfy any valid claims for Damage to real or personal property caused by the applicant, his agents and employees or by persons attending the event and to reimburse expenses incurred in cleaning up or otherwise incurred as a direct result of the mass gathering for which the permit was issued. Any individual, including the Town of Oxford, having such a claim, shall file notice of the claim upon the bond with the applicant or his agent and the surety by registered mail within 90 days after the date of the claim providing full details regarding the nature of the claim and the circumstances under which it arose, and shall bring an action, if necessary, upon the applicant and the surety in the Superior Court of Oxford County within six months of the date of the claim.

Sec. 11 Issuance of Permit (Mass Gatherings of 15,000 Persons or more)

After receipt of a completed application for a permit to hold a mass gathering of 15,000 person or more, the Selectmen may or, upon petition signed by a number of residents equal to at least 10% of the number of persons who voted in the last gubernatorial election received not more than ten (10) days after the application is filed, shall promptly hold a public hearing to consider the issuance of the permit. The date of the public hearing may be but need not be the same date as the meeting of the Selectmen to consider the issuance of the permit. Notice of the hearing shall be given by posting the same in at least two (2) public places in the town and by publishing the same in a newspaper having general circulation in the town at least five (5) days before the date of the public hearing. Notice of the public hearing shall be given to the applicant personally or in writing at least five (5) days before the date of the hearing. Selectmen shall issue the permit when satisfied that the assurances and obligations imposed by this ordinance and assumed by the applicant have been or will be met. All assurances made and obligations assumed by the applicant in the application shall be deemed to be conditions upon the issuance of the permit. In issuing the permit, the Selectmen may impose such additional conditions as may be reasonably required to assure compliance with the terms of the application or the provisions of this ordinance. The Selectmen may decline to issue the permit when the mass gathering for which the permit is being requested is scheduled on a holiday or a holiday week-end when so many nonresidents are reasonably expected to be present in the Town of Oxford for reasons having nothing to do with the proposed event that the facilities of the town will be insufficient to meet the needs of the person attending the proposed event as well as the other persons who are present because of the holiday. The Selectmen shall issue or deny the permit not more that 35 days after
the application is filed. If the permit is denied, the Selectmen shall give the applicant written reasons for the denial which shall include a statement of the actions on the part of the applicant which must be taken in order for the permit to be issued. If the Selectmen fail to issue the permit or send written reasons for denial within the allotted time, the permit shall be deemed to have been approved.

Sec. 12 Revocation of Permit

The Selectmen may revoke a permit for any mass gathering issued pursuant to this ordinance at any time prior to the date of the scheduled event when satisfied that the applicant has failed to comply with any of the assurances given and obligations assumed in the application or the conditions imposed by the Selectmen or the requirements of this ordinance or that the applicant has failed to secure in a timely manner any other license or permit required by the Town of Oxford or any other government agency in order to hold the event in question on the proposed site. Whenever possible, the Selectmen shall revoke a permit only after notice to the applicant or his authorized agent of the reasons for the proposed revocation and an opportunity to be heard with respect thereto. Written notice of the reasons for the revocation shall in any case be delivered to the applicant or his agent within the State of Maine personally or by expedited mail service.

Sec 13 Number of Tickets Sold

Not more than the number of tickets specified in the application and, in no event, more than 25,000 tickets shall be issued for a single event. A “ticket” includes any receipt or token of eligibility to attend the event whether or not a piece of paper or other physical evidence of payment is issued to the patron. Persons not holding valid tickets for a mass gathering for which tickets have been issued shall not be permitted to attend. Promptly after all tickets have been sold or the occurrence of the event, whichever first occurs, the applicant shall furnish to the Selectmen a sworn statement as to the number of tickets sold or otherwise distributed. When ticket sales have been handled by an authorized ticket agent’s report regarding the number of tickets sold.

Sec 14 Events Expected to be Attended by More that 25,000 Persons

With respect to mass gatherings for which tickets will be issued, if the available information indicates that the performance is very likely to attract more than 25,000 persons, the Selectmen may impose such additional conditions upon the issuance of the permit as may be necessary to limit the number of persons in attendance to 25,000 or, if the sponsors of the mass gathering are unable to provide reasonable assurance that they can restrict the number of persons who appear for the event to 25,000 or less, they may limit the number of tickets which may be sold to less than 25,000 or, if necessary, refuse to issue the permit altogether. With respect to any mass gathering subject to this ordinance for which tickets will not be issued, the Selectmen shall deny the permit if they reasonably determine that the sponsors will be unable to restrict the number of persons attending to 25,000 or less.
Sec 15 Variance

In any case in which strict compliance with the terms of this ordinance will cause the applicant to suffer undue hardship and the Selectmen have reasonably determined that waiving strict compliance with the terms of this ordinance will not compromise its enforcement or the accomplishment of its purposes, they shall issue a variance specifying in writing its terms and the reasons why it has been granted.

Sec 16 Limitation on Gatherings Attended by More than 15,000 persons

No more than one permit for a mass gathering to be attended by 15,000 persons or more shall be issued under this ordinance during any 17 day period.

Sec 17 Annual Permit

After receipt of a completed application for an annual permit to hold a mass gathering, the Selectmen may or, upon petition signed by a number of residents equal to at least 10% of the number of persons who voted in the last gubernatorial election received not more than ten (10) days after the application is filed, shall promptly hold a public hearing to consider the issuance of the annual permit. The date of the public hearing may be but need not be the same date as the meeting of the Selectmen to consider the issuance of the permit. Notice of the hearing shall be given by posting the same in at least two (2) public places in the town and by publishing the same in a newspaper having general circulation in the town at least five (5) days before the date of the public hearing. Notice of the public hearing shall be given to the applicant personally or in writing at least five (5) days before the date of the hearing. Selectmen shall issue the annual permit when satisfied that the assurances and obligations imposed by this ordinance and assumed by the applicant have been or will be met. All assurances made and obligations assumed by the applicant in the application shall be deemed to be conditions upon the issuance of the annual permit. In issuing the annual permit, the Selectmen may impose such additional conditions as may be reasonably required to assure compliance with the terms of the application or the provisions of this ordinance. The Selectmen shall issue or deny the annual permit not more that 35 days after the application is filed. If the annual permit is denied, the Selectmen shall give the applicant written reasons for the denial which shall include a statement of the actions on the part of the applicant which must be taken in order for the annual permit to be issued. If the Selectmen fail to issue the permit or send written reasons for denial within the allotted time, the permit shall be deemed to have been approved.

The annual permit fee will be set by the Board of Selectmen after reviewing the individual applications. The application will be subject to all other obligations of review of this ordinance.
Sec 18 Penalties

Any person who violates any provision of this ordinance or any term of a permit issued pursuant to this ordinance shall be subject to a civil penalty payable for the use of the Town of Oxford in an amount not to exceed $5,000.00. In the case of a willful violation of this ordinance, a civil penalty not to exceed $50,000.00 may be imposed. In addition, the town may seek an injunction where necessary to prevent the applicant from publicizing, promoting or conducting the proposed event.

Sec 19 Severability

If any section of this ordinance is found to be invalid, the remaining sections of the ordinance shall nevertheless remain in full force and effect.

Sec 20 Effective Date

This ordinance shall become effective upon passage.

APPENDIX A

A. Water Supply

1. Where water is distributed under pressure for drinking, washing, flushing toilets, and showers, the water supply system should deliver water at normal operating pressures (20lb. per sq./in. minimum) to all fixtures at a rate of at least 30 gallons per person per day.

2. Where water is not available under pressure, and non-water carriage toilets are used, at least 3 gallon of water per person per day should be provided for drinking and washing purposes.

B. Refuse Disposal

1. One fifty (50) gallon refuse container or its equivalent should be provided for each one hundred (100) persons anticipated.

2. All refuse should be collected from the mass gathering area at least once each day of the assembly and disposed of in an approved area.

3. The mass gathering area and immediate surrounding properties should be cleaned of refuse within twenty four (24) hours following the mass gathering.

4. Area where cars and recreational vehicles are parked should have rubbish disposal facilities one for every 25 cars or recreational vehicles.
C. Grounds

1. Assembly area should be adequately lighted but not unreasonably reflect beyond the assembly area boundaries unless adjacent properties are uninhabited.

2. Light level intensities should be at least five foot candles.

3. There should be at least 20 square feet per person at the site for daytime assemblage and at least 40 square feet per person for overnight assemblage.

D. Roads and Parking Space

1. Width of services roads should be at least 12 feet for one traffic lane, 24 feet for two traffic lanes, and 7 feet for parallel parking lane.

2. There should be at least one parking space for every four persons and the density should not exceed 100 passenger cars or 30 buses per usable acre.

E. Sanitary Facilities

1. Toilets should be provided at a rate of one (1) for each 150 persons.

2. Urinals and sanistands may be substituted for up to one-third (1/3) of the required number of toilets. Twenty-four inches (24") of through urinals in a men’s room shall be considered the equivalent of one urinal or toilet.

3. Sanitary facilities should be conveniently accessible and well identified.

4. Each toilet should have a continuous supply of toilet paper.

5. Service buildings or rooms housing necessary plumbing fixtures, should be constructed of easily cleanable, non-absorbent materials.

6. Separate service buildings or rooms containing sanitary facilities, clearly marked, should be provided for each sex and each toilet room should be provided with a self-closing door to insure privacy or the entrance should be screened so that the interior is not visible from the outside.

7. Water points or drinking fountains, should be conveniently accessible and well identified.

8. Common drinking cups should not be used.

F. Medical Facilities

1. Emergency medical services should be provided under the supervision of a licensed physician.
2. A first aid building or tent, with adequate medical supplies, should be available.

3. Emergency first aid vehicles should be available on site during the complete time of mass gathering.

4. A telephone or other two way electronic communication facilities.

5. Operator of mass gathering should contact area hospitals and advise them that a mass gathering will be held and let them know the approximate number of participants expected.

G. Safety

1. The mass gathering electrical system or electrical equipment should comply with applicable state standards and regulations. (Title 32, Chap. 17 M.R.S.A.)

2. Fire prevention equipment should be present on site of the mass gathering.

H. Noise Control

1. The sound of the mass gathering should not carry unreasonably beyond the boundaries of the mass gathering areas.

2. The noise level at the perimeters of the area should not exceed 70 decibels on the A scale of a sound level meter meeting specifications on the American National Standards Institute unless the mass gathering area is remotely located and surrounding adjacent properties are uninhabited.

Adopted
Oxford Building Code Ordinance

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

Sec. 1 Scope. All building construction in Maine, with some exceptions, is governed by the Maine Uniform Building and Energy Codes (M.U.B.E.C.), which is adopted by the Technical Building Codes and Standards Board pursuant to MRS Title 10 Part 14 Chap 1103. The provisions of this code shall apply to new construction. It shall also apply to alteration and addition, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one-and two family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures relocation and placement of dwellings and manufactured housing or part thereof.

A) The provisions for this Code shall apply to commercial or industrial buildings or their construction, and to residential conversions or apartment buildings of more than three or more units. Plans for such contemplated building or alteration shall be submitted to the Planning Board for review and authorization of permit.

B) Provisions for this Code shall apply to existing electrical and sewer installations on the basis of health and safety.

Sec. 2 Authority. This ordinance is adopted pursuant to Title 30-A § 3001 and § 4352 and Title 38 §§ 435 – 455) of the Maine Revised Statutes.

Sec. 3 Effective Date. This Ordinance shall become effective upon its passage upon a majority vote of a Town Meeting.

After March 11, 1995 no person shall engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use without first obtaining a permit. (See Zoning Ordinance for the Municipality of Oxford)

Sec. 4. Administration: This code shall be administered by a Code enforcement officer or building inspector who shall be appointed by the Select Board yearly.
Sec. 5 Inspections required:

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

B. The Code enforcement officer/Building Inspector shall endeavor to see that the construction of Commercial or Industrial buildings complies with the plan approved under Sec. 1, paragraph A, in so far as the public health, safety and welfare is concerned. Commercial and Industrial buildings may require a Third Party Inspector or Engineer for structural inspections at the owners or contractors cost.

C. Right of entry. The Code enforcement officer/Building Inspector in the performance of his duties, may, at any reasonable time, enter any building or manufactured housing for the purpose of making the inspection required by this code.

Sec. 6. Permit

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

A) Application. The application for the permit shall be in writing and shall be made in such a form, as the Code enforcement officer/Building Inspector shall prescribe. It shall contain a description, building sketches acceptable to the code enforcement officer/building inspector of the proposed new, altered, or relocated building, part thereof or the replacement contemplated.

i. An HHE 200 subsurface wastewater and disposal design or waste water sewer Connection application and internal plumbing permit shall accompany the building permit application and permitted by the local plumbing inspector.

B) Permit Approval. The Code enforcement officer, after the proper examination of the application, or Planning Board approval, shall either issue the requested permit or transmit notice of refusal within a reasonable time, not to exceed ten (10) days.

Notice of refusal shall be in writing and shall state the reasons therefor.

C) Life of a Permit. All building permits shall expire 365 days after issuance unless a different term is stated on the permit.

D) Provisions for Renewing. Renewal applications will be considered upon the expiration of the permit on a no fee basis for a period of one year as long as consistent and continual work is done on the structure. After two years, resubmittal of all plans will be required. Fees will assessed again.

E) Display of Permit. Every building permit shall be displayed in a conspicuous place on the street side of the premises and shall not be moved until all work covered by the permit has been approved.
Sec. 7. Building Fees.

- Accessory structure fees (non-livable spaces) – $.05/sq ft for decks, docks, sheds, single story garages and barns, porches, stairways and constructed walking paths to water ways, attics and crawlspaces; minimum $10.00 fee.
- Residential living space fees- Flat fee $30.00 plus $.10/sq ft/floor. (Crawlspaces/non-daylight basements and attics are not considered livable space) This includes renovations of basements, porches or attics into livable spaces and renovations to the interior of the building.
- Commercial fees- (Planning Board) Site Plan review fee of $200 plus any mailings, notices or expert outside review fees with $.35/sq ft for building permit fee. This is for new construction, additions and alterations. Amendments to approved Site Plans; fee is $100.00 plus mailings and notices.
- Shoreland Permit (Planning Board) $100.00, plus building permit square footage fee.
- Board of Appeals fee: $175.00 filing fee.

[The Select Board has the ability to set or modify these fees annually]

Sec. 8 Certificate of Occupancy. No building or manufactured housing shall be occupied after its construction, or relocation until the Building Inspector and local plumbing inspector have issued a Certificate of Occupancy. The Code enforcement officer, after notification by the owner or builder, shall within three (3) days issue said certificate after proper examination shows that all work was performed in compliance with the provisions of this Code.

A Certificate of Occupancy shall not be issued for any manufactured housing, which does not conform with Title 10 of the Maine Revised Statutes, Chap 951: Manufactured housing Act.

A) Minimum Floor Area. 500 square feet required as long as sanitary conditions, minimum room areas of IRC 2009 Sect 304 and 305 or most recent State adopted IRC code, and meet the 2015 Uniform Plumbing Code or latest adopted plumbing code per State law.


Sec. 9 Size of Lot. Must meet the minimum requirements for the Zoning District the building is being built, added to, or renovated. If an existing dwelling or structure is demolished, burns or is destroyed by natural causes, it may be rebuilt or repaired on the same lot in accordance with this Code, although the lot is less than requirements detailed in the Oxford Zoning Ordinance provided that a permit for construction or placement of manufactured housing be obtained within 1 year from date of qualifying event.

Sec. 10. Foundations: Foundations will follow (MUBEC) International Residential Building code as currently adopted by the State of Maine.

A) Manufactured housing shall meet the currently adopted standards of the State’s Manufactured Housing Act (MRS Title 10 Chap 951) for new and used mobile and manufactured housing regulations and Oxford Zoning Ordinance Section 16. P.
Sec. 11. Chimneys: Chimneys will follow National Fire Protection Association No. 211, Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances, and being the version most recently adopted by the State Fire Marshal’s Office.

Sec. 12 Fireplaces. Will follow National Fire Protection Association No. 211, Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances, and being the version most recently adopted by the State Fire Marshal’s Office.

Sec. 13 Heating Stoves. All heating stoves, whether fired by wood, oil, coal, or gas, shall be installed in accordance with manufacturer’s recommendations. Oil, kerosene and gas fired stoves shall have appropriate safety devices.

Sec. 14 Electrical Installation. Permits are required by the State of Maine Electrical Inspector. Every building with electrical service shall have a safe and adequate system throughout.

A) All installations shall comply and conform to the most recent edition of the National Electric Code as adopted by the State of Maine.
B) A licensed electrician (or the homeowner on his or her primary single-family residence) shall do all electrical entrance work and no electrical wiring shall be covered or concealed until it has been inspected and approved by the authority having jurisdiction.

Sec. 15 Recreational Vehicles: Are not permitted to be lived in as permanent livable structures. See the Zoning Ordinance for more information.

Sec. 16 Enforcement
A) Whenever the Code enforcement officer and/or Building Inspector is unsatisfied that a building or structure, or any other construction which is regulated, by this Ordinance, he or she shall serve a written notice upon the person responsible for the condition that is in violation of the requirements of this Ordinance.
B) If work is started without a permit or a permit issued after the fact, a fine of up to five-time permit fee will be assessed.
C) The Code enforcement officer/Building Inspector is charged with the prosecution of all violations of this Ordinance. In case such notices or orders referred to in Paragraph A, above, are not promptly complied with, he/she shall take such action as is proper to restrain, correct, remove, or remedy such violations. Special liens, attorney’s fees and costs and filing costs at court can all be assessed to the property owner.

Sec. 17 Conflicting Provision. Whenever the regulations made under the authority thereof differ from those described by any statute, ordinance, or other regulations, that provision, which imposes the greater restriction or the higher standard, shall govern.
**Sec. 18 Validity.** If any section, clause, provision, portion or phrase of this Ordinance shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, or validate any other section, clause, provision, portion or phrase of the Ordinance.

**Sec. 19 Right of Appeal.** If the Planning Board or Code Enforcement Officer disapproves any application or grants approval with conditions that are objectionable to the applicant or any abutting land owner or any aggrieved party with standing, or when it is claimed that the provisions of the Ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, or aggrieved party with standing, may appeal the decision of the Planning Board or Code Enforcement Officer in writing to the Board of Appeals, within thirty (30) days of the Planning Board or Code Enforcement Officer’s decision. The Board of Appeals may refer the matter back to the Planning Board or Code Enforcement Officer’s after holding an Administrative Appeal or may grant a hardship variance as defined in the Zoning Board of Appeals Ordinance. Public hearings shall be held according to Title 30, M.S.R., Section 2411.

A) Notwithstanding Sec 19 above, the Code enforcement officer/Planning Board may grant a waiver to an owner of a building for the purpose of making that building accessible to a person with a disability who resides in or regularly uses the building as long as the disability exists. The Code enforcement officer/Planning Board shall restrict any waiver granted under this subsection solely to the installation of the equipment or the construction of structures necessary for access to or egress from the residential building by the person with the disability. The Code enforcement officer/Planning Board may impose conditions on the waiver, including limiting the waiver to the duration of the disability or to the time that the person with the disability lives in the residential building. The term “structures necessary for access to or egress from the building shall include ramps and associated railings, wall or roof systems necessary for the safety or effectiveness of the ramps.

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

**Sec. 20 Definitions.** For the purpose of this Ordinance the following words or phrases shall have the meaning ascribed to them in this section:

- **Accessory Structures:** Sheds, lean-tos, gazebos, garages under 599 sq. ft. etc... shall be determined to be single story (walls not to exceed 9’ in height) from the lowest natural grade of the ground and 15’ overall height with no second story open space.
- **Dwelling:** Shall mean any building occupied for more than six (6) months in any 12 month period.
- **Manufactured Housing:** Mobile and modular homes shall display a HUD approval plate or a plate indicating Maine State approval, designed and constructed for permanent occupancy, having separate living and sleeping rooms and having provisions for connection to sewer, water, and electricity. Used manufactured homes will have to meet the Used Manufactured
Home Standards for current electrical and plumbing standards. (typically 1976 and newer manufactured homes meet this standard).

**Recreational Vehicle**: Tow behind camper, fifth-wheels and class A, B or C motor coaches. Shall mean a recreational and/or travel trailer not designed for permanent human occupancy. See Oxford Zoning Ordinance for additional restrictions.

**Living Space**: Shall mean actual enclosed space suitable for year-round occupancy. It shall not include porches, patios, and similar areas whether enclosed or not.

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

**Right of Way of Street or Road**: Shall mean the legal width of the road or street. See Oxford Zoning Ordinance for more details. Privately owned roads/lanes/drives shall be measured from the middle of the travelled way.

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

**Building**: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or material of any kind. Building over 600 sq ft such as garages or barns will meet the building code.

**Lot of Record**: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the Oxford County Registry of deeds on or before March 11, 1993.

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

**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. Examples: sheds, patios, lean-tos, gazebos, small garages under 600 sq ft…etc.

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

**Street or Road**: A vehicular public way maintained by or owned by the Town of Oxford or the State of Maine or a private vehicular way shown on a recorded plan and/or approved by the Planning Board. **Structure**: Anything built for the support, shelter, or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed or temporary location on or in the ground, exclusive of fencing or poles, wiring and other aerial equipment normally associated with service drops as well as guyng anchors. The term includes structures temporarily or permanently located such as docks, patios, movable animal enclosures/sheds and satellite dishes.

Adopted June 10, 2017
Town of Oxford

FLOODPLAIN MANAGEMENT ORDINANCE

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

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

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

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

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

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


1233, 1234, 1237, 1241, 1242, 1243, 1244, 1253, 1254, 1258, 1261, 1262, 1263, 1264, 1266, 1267, 1268, 1269, 1407, 1426, 1427, 1428, 1429, 1431, 1436

derived from the county wide digital flood insurance rate map entitled “Digital Flood Insurance Rate Map, Oxford County,” which are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

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

ARTICLE III - APPLICATION FOR PERMIT

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

A. The name, address and phone number of the applicant, owner, and contractor;
B. An address and a map indicating the location of the construction site;
C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;

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

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

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

G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.2 apply only to new construction and substantial improvements.]

H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or to a locally established datum in Zone A only, of the:

1. base flood at the proposed site of all new or substantially improved structures, which is determined:
   a. in Zones AE, from data contained in the "Flood Insurance Study- Oxford County," as described in Article I, or,
   b. in Zone A:
      (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Article VI.K. and VIII.D.;
      (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
      (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.

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

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

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

I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;

J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;
K. The following certifications as required in Article VI by a registered professional engineer or architect:

1. a Floodproofing Certificate (FEMA Form 81-65, 01/03, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;

2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;

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

4. a certified statement that containment walls will meet the standards of Article VI.N.;

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

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

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of $50 shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

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

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Planning Board shall:

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

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

1. the base flood and floodway data contained in the "Flood Insurance Study – Oxford County, Maine," as described in Article I,
2.  in special flood hazard areas where base flood elevation and floodway data are not provided, the Planning Board shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,

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

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

D.  In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;

E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;

F.  If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:

1.  A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, “as built”, for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

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

3.  A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.
G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

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

A. All Development - All development shall:

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

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

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

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

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

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

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

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

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

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

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

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

I. Recreational Vehicles - Recreational Vehicles located within:
   1. Zones A and AE shall either:
      a. be on the site for fewer than 180 consecutive days,
      b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
      c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.H.1.

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

K. Floodways -
   1. In Zones AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's "Flood Insurance Rate Map" unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In Zones AE and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

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

b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," Flood Insurance Study - Guidelines and Specifications for Study Contractors, (FEMA 37/January 1995, as amended).

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

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

1. Enclosed areas are not "basements" as defined in Article XIII;

2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:

a. be engineered and certified by a registered professional engineer or architect; or,

b. meet or exceed the following minimum criteria:

   (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;

   (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,

   (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;

3. The enclosed area shall not be used for human habitation; and,

4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.
M. **Bridges** - New construction or substantial improvement of any bridge in Zones AE and A shall be designed such that:

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

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

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

1. Zones AE and A shall:
   a. have the containment wall elevated to at least one foot above the base flood elevation;
   
   b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
   
   c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

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

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and

2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

**ARTICLE VII - CERTIFICATE OF COMPLIANCE**

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

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

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

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

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

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

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

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

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

D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE IX - APPEALS AND VARIANCES

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

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:
A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

B. Variances shall be granted only upon:

1. a showing of good and sufficient cause; and,

2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,

3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,

4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
   a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
   b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
   c. that the granting of a variance will not alter the essential character of the locality; and,
   d. that the hardship is not the result of action taken by the applicant or a prior owner.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.

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

1. other criteria of Article IX and Article VI.K. are met; and,

2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:

1. the development meets the criteria of Article IX, paragraphs A. through D. above; and,

2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure’s continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

F. Any applicant who meets the criteria of Article IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage;

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

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

G. Appeal Procedure for Administrative and Variance Appeals

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

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

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

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

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

6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

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

ARTICLE X - ENFORCEMENT AND PENALTIES

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

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

C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;
1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

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

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

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

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

ARTICLE XI - VALIDITY AND SEVERABILITY

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

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIII - DEFINITIONS

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

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

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

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

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

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

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

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

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

Elevated Building - means a non-basement building

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

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

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

Elevation Certificate - An official form (FEMA Form 81-31, 02/06, as amended) that:

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

b. is required for purchasing flood insurance.

Flood or Flooding - means:

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

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

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

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

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

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

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

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

Floodway - see Regulatory Floodway.

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

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

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

Historic Structure - means any structure that is:

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

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

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

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
1. By an approved state program as determined by the Secretary of the Interior, or

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

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

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

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

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

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

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

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

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

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

Recreational Vehicle - means a vehicle which is:

a. built on a single chassis;

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

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

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

Regulatory Floodway -

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

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

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

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

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

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

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

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

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

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

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

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

**ARTICLE XIV - ABROGATION**

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the
SECTION 1. TITLE

THIS ORDINANCE SHALL BE KNOWN AS THE TOWN OF OXFORD PARKING ORDINANCE.

SECTION 2. PURPOSE

THE PURPOSE OF THIS ORDINANCE IS TO REGULATE PARKING ON PUBLIC STREETS, ROADS, AND HIGHWAYS TO ENSURE THE SAFETY OF PEDESTRIANS AND MOTORISTS USING THOSE ROADS.

SECTION 3. AUTHORITY

THIS ORDINANCE IS ENACTED BY THE MUNICIPAL OFFICERS PURSUANT TO THE AUTHORITY GRANTED BY TITLE 30-A, §3009.

SECTION 4. PARKING PROHIBITION

PARKING OF MOTOR VEHICLES IN ANY OF THE AREAS ENUMERATED IN APPENDIX ‘A’ IS HEREBY PROHIBITED. THE FACT THAT A VEHICLE IS PARKED IN VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL BE PRIMA FACIE EVIDENCE OF THE UNLAWFUL PARKING OF SUCH VEHICLE BY THE REGISTERED OWNER THEREOF.

SECTION 5. PENALTY

A VIOLATION OF THIS ORDINANCE SHALL BE A CIVIL VIOLATION, PUNISHABLE BY A CIVIL PENALTY NOT TO EXCEED $50.00. PERSONS CHARGED WITH A VIOLATION OF PARKING REGULATIONS MAY WAIVE ALL COURT ACTION BY PAYMENT OF A REDUCED PENALTY OF $25.00 WITHIN 30 DAYS OF NOTIFICATION. ALL REVENUE COLLECTED WILL BE USED TO CONSTRUCT AND MAINTAIN PUBLIC WAYS.

SECTION 6. ENFORCEMENT

IT SHALL BE THE DUTY OF THE OXFORD POLICE DEPARTMENT TO ENFORCE THE PROVISIONS OF THIS ORDINANCE. THE OXFORD POLICE DEPARTMENT IS ALSO AUTHORIZED TO TOW ANY VEHICLE THAT IS PARKED TO CREATE A DANGER OR HAZARD.

SECTION 7. EFFECTIVE DATE

THIS ORDINANCE SHALL BE EFFECTIVE WHEN ENACTED BY THE SELECTMAN.

ENACTED: NOVEMBER 2, 1995
TOWN OF OXFORD

PARKING ORDINANCE

APPENDIX ‘A’

1. NO PARKING IS ALLOWED ON THE SECTION OF ROUTE 26 (MAIN STREET) STARTING AT THE SOUTH END OF THE PAVEMENT ON ROLLER RINK ROAD PROCEEDING SOUTH 176’ TO THE SOUTH END OF THE TARRED DRIVEWAY OF REID’S SERVICE STATION. THE NO PARKING AREA SHALL BE BETWEEN THIRTEEN (13) AND TWENTY-TWO (22) FEET WEST OF THE CENTERLINE OF ROUTE 26. SEE ATTACHED MAP.

2. NO PARKING IS ALLOWED IN ANY DESIGNATED HANDICAPPED PARKING SPACE BY VEHICLES NOT DISPLAYING A VALID ANDICAPPED PARKING LICENSE PLATE, PLACARD, OR STICKER.
TOWN OF OXFORD

PAWN BROKERS, PRECIOUS METAL DEALERS, AND SECOND HAND DEALERS

ORDINANCE

PURPOSE

The Town of Oxford finds that pawnbrokers, precious metal dealers, and certain secondhand dealers potentially provide an opportunity for the commission and concealment of crimes. These businesses have the ability to receive and transfer stolen property easily and quickly. The Town also finds that consumer protection regulation is warranted in transactions involving these businesses from assisting in the commission of crimes, to identify criminal activity through timely collection and sharing of certain transaction information, and to ensure that such businesses comply with basic consumer protection standards, thereby protecting the public health, safety, and general welfare of the citizens of Oxford.

DEFINITIONS

1- "Billable transaction" means a reportable transaction except renewal, redemptions, or extensions of existing pawns on items previously reported and continuously in the licensee’s possession, voided transactions, and confiscations.

2- "Gemstone" Means a precious or semiprecious stone that may be used as a jewel when cut and polished.

3- "Items containing precious metal" means an item made in whole or in part of metal and containing more than one percent by weight of silver, gold, or platinum.

4- "Minor" means a natural person under the age of 18 years.

5- "Pawnbroker" means a person who loans money on deposit or pledge of personal property or other valuable thing; who deals in the purchasing of personal property or other valuable thing on condition of selling it back again at a stipulated price; or who loans money secured by chattel mortgage on personal property, taking possession of the property or part of it. If a pawnbroker business includes buying personal property previously used, rented, or leased, the provisions of this section are applicable. Any bank, savings and loan association, or credit union is not a pawnbroker for purposes of this section.
6- “Pawn” means the lending of money on the security of pledged tangible personal property that is delivered to a pawnbroker and held by the pawnbroker. The term also includes the purchase of tangible personal property on condition that it may be repurchased by the seller for a fixed price within a fixed period of time.

7- “Person” means one or more natural persons; a partnership, including a limited partnership; a corporation; including foreign, domestic, or nonprofit corporation; a trust; a political subdivision of the state; or another business organization.

8- “Precious metal dealer” means a person engaging in the business of buying coins or secondhand items containing precious metal including jewelry, watches, eating utensils, candlesticks, and religious and decorative objects.

9- “Precious metals” means silver, gold, or platinum.

10- “Reportable transaction” means a transaction conducted by a pawnbroker, precious metal dealer, or secondhand dealer in which merchandise is received through a pawn, purchase, consignment, or trade except:

   a. The bulk purchase or consignment on new or used merchandise from a merchant, manufacturer or wholesaler having an established permanent place of business, and the retail sale of said merchandise, if the pawnbroker, precious metal dealer, or secondhand dealer maintains a record describing the items in each transaction and marks each item in a manner that relates it to that transaction record and;

   b. Retail and wholesale sales of merchandise originally received by pawn or purchase, and for which all applicable hold and/or redemption period have expired.

11- “Secondhand dealer” means a person in the business of buying, or receiving as “trade-in”, secondhand items that are in one or both of the following categories (a) consumer electronics, including peripherals and electronic media, and (b) jewelry and gemstones. A secondhand dealer does not include a person who buys or receives fewer than 25 such items within any period of 12 consecutive months.

12- “Secondhand item” means tangible personal property, excluding motor vehicles that have been previously used, rented, owned, or leased.

LICENSE REQUIRED

A person must not engage in the business of pawnbroker, precious metal dealer, or secondhand dealer within the Town of Oxford unless the person is currently licensed under this ordinance.
EXCEPTIONS TO LICENSE REQUIREMENT

A person conducting the following transactions is not required to obtain a license under this section:

1- Transactions at occasional “garage” or “yard” sales, estate sales or farm auctions held at the owner’s residence.

2- Transactions regulated by the federal commodity futures commission act;

3- Transactions involving the purchase of photographic film, such as lithographic and x-ray film or silver residue or flak recovered in lithographic and x-ray film processing;

4- Transactions involving the purchase of precious metal grindings, filings, slag, sweeps, scraps, or dust from an industrial manufacturer, dental lab, dentist, or their agent;

5- Transactions in which the secondhand item containing precious metal is exchanged for a new item containing precious metal and the value of the new items exceeds the value of the secondhand item, except that a person who is a precious metal dealer by engaging in a transaction that is not exempt by this ordinance must comply with the requirements of this ordinance

6- Transactions between precious metal dealers if both dealers are licensed by the State and the Town or if the seller’s business is located outside of the State and the items shipped from outside the state; and

7- Transactions in which the buyer of the secondhand item contains precious metal is engaged primarily in the business of buying and selling antiques, the items are resold in an unaltered condition except for repair, the items are resold at retail, and the buyer paid less than $2,500 of secondhand items containing precious metals purchased within any period of 12 consecutive months.

PERSONS INELIGIBLE

1- No license may be issued to a person who is not of good moral character.

PLACES INELIGIBLE

1- No license may be issued for a place or a business ineligible for a license under Town ordinance or State law.

2- No license may be issued for a place or business that holds a liquor license.

LICENSE APPLICATION
Every application for a license under this ordinance must be made on a form supplied by the Town, must be verified and must contain the following information:

1- If the applicant is a natural person;
   a- The name, place and date of birth, street residence address, and phone number of the applicant;
   b- The name of the business if it is to be conducted under a designation, name, style other than the name of the applicant and a certified copy of the certificate of assumed name required by state law;
   c- Whether the applicant is the owner and operator of the business and if not, who is;
   d- Whether the applicant has ever used or been known by a name other than his/her true name, and if so, what was the name, or names, and information concerning dates and places where used;
   e- Street address at which applicant and spouse have lived during the preceding ten years;
   f- Kind, name, and location of every business or occupation applicant and spouse have engaged in during the preceding ten years;
   g- Names and addresses of applicant’s and spouse’s employers and partners, if any, for the preceding ten years;
   h- Whether the applicant or spouse has ever been convicted of a violation of any State law or local ordinance, other than non-alcohol related traffic offenses. If so, the applicant must furnish information as to the time, place and offenses for which convictions were had;
   i- Whether the applicant or spouse has ever been engaged as an employee or in operating a pawnshop, precious metal dealership, or secondhand dealership or other business of a similar nature. If so, applicant must furnish information as to the time, place, and length of time;
   j- Whether the applicant has ever been in military service. If so, the applicant must, upon request, exhibit all discharges.

2- If the applicant is a partnership:
   a- The name and address of all partners and all information concerning each partner as is required of an individual applicant as above;
   b- The name(s) of the managing partner or partners, and the interest of each partner, or partners in the business;
c- A true copy of the partnership agreement and a copy of the certificate of assumed name required by State law;

3- If the application is a corporation or other organization:

a- The name, and if incorporated, the State of incorporation;

b- A true copy of the certificate of incorporation, articles of incorporation or association agreements;

c- The name of the manager or proprietor or other agent in charge of, or to be in charge of the premises to be licensed, giving all information about the person as is required in the case of an individual applicant and;

d- A list of all persons who, single or together with their spouse, own or control an interest in the corporation or association in excess of five percent or who are officers of the corporation or association, together with their addresses and all information as is required for a single applicant;

4- For all applicants:

a- A list of responsible persons, including the names of owners, managers, and assistant managers, who may be notified or contacted by the State or Town employees in case of emergency.

b- For each manager and assistant manager with responsibility for operation of the business, the following must be provided:

(1) Complete personal information requested on the Town’s form;

(2) Two sets of fingerprints and a photograph; and

(3) Such other information as the Town may require.

c- Whether the applicants hold a current pawnbroker, precious metal dealer, or secondhand dealer license for any other municipality.

d- Whether the applicant has ever been denied a pawnbroker, precious metal dealer, or secondhand dealer license from a municipality or any other governmental unit;

e- The location of the business premises;

f- The legal description of the premises to be licensed including a map of the area for which the license is sought, showing dimensions, locations of building, street access and parking facilities;
g- Whether all real estate and personal property taxes that are due and payable for the premises have been paid, and if not paid, the years and amounts that are unpaid; and

h- Other information that the Town deems necessary.

FEES

1- INVESTIGATIVE FEE. Every applicant for a new license must pay the Town the investigative fee of $100. This fee will be for the purpose of conducting a preliminary background and financial investigation of the applicant. If the Select board believes that the public interest so warrants, it may require a similar investigation at the time of renewal of the license. If an investigation is ordered by the Select board at the time of license renewal, the applicant must pay the fee specified above, except the fee will be smaller of the stated dollar amount or the actual cost of the investigation. There will be no refund of the investigation fee after the investigation has begun.

2- License fees. The annual fees for a pawnshop, precious metal dealers, or secondhand dealer’s license will be $50. The annual fee must be paid before conducting activity that requires a license under this ordinance. No refund of a fee will be made except as authorized by this ordinance.

BOND REQUIRED

At the time of filing for a license, the applicant must file a bond in the amount of $5,000 with the town clerk. The bond, issued by a licensed surety company, must be approved as to form by the Town attorney. The bond must be conditioned on the licensee’s compliance with the Town ordinances, in relation to the business of pawnbroker, precious metal dealer, and secondhand dealer. The bond must also be conditioned on the licensee’s obligation to account for and deliver articles to a legally entitled person or to pay the person or persons the reasonable value of the articles.

APPLICATION PROCEDURE

1- No license may be issued until the police department has conducted an investigation of the representations set forth in the application, the applicant’s moral character, and the applicant’s financial status. All applicants must cooperate with this investigation.

2- No license may be issued until the Select board has held a public hearing in accordance with the following:

a- A public hearing must be held prior to issuing a license. Notice of the hearing will be made in the same manner as that of a Liquor license; and
b- At the public hearing all people interested in the matter must be heard. No hearing is
required for a renewal license, but the Select board may, at its option, hold a hearing.

3- The select board may issue a license before an investigation, notice and public hearing for an
applicant who:

a- Had a license within the previous five years for the establishment that is specified in the
application and that is continuing to operate under a license.

b- Wishes to resume operation of the business without sufficient time, through no fault of his
or her own, to meet the normal procedural requirements;

c- Had no criminal license convictions, or license suspensions or revocations during the prior
licensed period; and

d- Otherwise qualifies and meets the requirements for a license.

In this situation the Select board may immediately issue an interim license to the applicant
for a period of no longer than 90 days. The applicant must thereafter proceed through the
specified requirements for an investigation, notice, and public hearing. At the public hearing
the Select board will decide whether the license should continue in effect or be revoked.
The interim license gives the applicant no greater right to continuation of the license that it
would have had to issuance of a new license following normal procedure.

4- After investigation and hearing, the select board will grant or deny the application,
considering the factors in this ordinance and the standards of review included in this
ordinance. The select board may impose conditions on a license to protect the public
health, safety, and general welfare.

5- A license is a privilege, not a right.

6- An application for a license may be considered by the select board at the same time an
applicant is requesting land use approvals needed for the site, including site plan review,
rezoning, or an amendment to the comprehensive guide plan. Final approval of a license will
not be granted until the select board has given at least preliminary approval to any
necessary land use request. If an application is granted for a location where a building is
under construction or not ready for occupancy, the license will not be delivered to the
licensee until a certificate of occupancy has been issued for the licensed premise.

7- In the case of the death of the licensee, the personal representative of a licensee may
continue operation of the business for not more than 90 days after the licensee’s death.
Each license will expire one year from when it was issued. The application for the renewal of an existing license must be made at least 90 days before the date of the expiration of the license and must be made on the form which the town provides.

License Restrictions

1- Generally. Every license is subject to the conditions in the following paragraphs, all other provisions of this section, and of other applicable regulations, ordinances or state law.

2- Maintenance of Peace. Every licensee is responsible for the conduct of his or her place of business and the conditions of order in it. The act of any employee of the licensed premise is deemed the act of the licensee as well, and the licensee will be liable for all penalties provided by this ordinance equally with the employee, except criminal penalties.

3- Display of License. Every license must be posted in a conspicuous place in the premises for which it is used.

4- Written Record. At the time of a receipt of an item of property, a licensee must immediately record the information listed below, in English, in a computer program approved by the police department. A licensee may also record the information in indelible ink on a form approved by the Chief of Police or his designee.

a- An accurate description of the item of property including any trademark, identification number, serial number, brand name, or other identifying mark on such item;

b- The date and time the item of property was received by the licensee;

c- The name, residence address, residence telephone number, and date of birth and a reasonably accurate physical description of the person from whom the item of property was received, including approximate height, weight, color of eyes, color of hair, sex, and race;

d- The identification number and state or agency of issue for one of the following forms of identification of the person from whom the item was received:

1- A current, valid Maine photo driver’s license;

2- A current, valid Maine photo identification card;

3- A current valid photo driver’s license or identification card issued by another state or Canadian province, and one other form of identification;
4- Valid passport;

5- Current, valid military photo identification.

e- The amount of money loaned, advanced to the pledger or paid to the seller, or the nature of the transaction if not a loan or sale;

f- The maturity date of the pawn transaction and the amount due;

g- The monthly and annual interest rates, including pawn fees and charges;

h- The last regular day of business by which the item must be redeemed by the pledger without risk that the item will be sold, and the amount necessary to redeem the pawned item on that date;

i- The signature or unique identifier of the licensee or employee that conducted the transaction; and

j- The description of the item or serial number for an item that is “traded-in” and the item received as a result of the exchange.

5- Inspection and Retention of Records. The licensee must make available the information required in subsection 4 above at all reasonable times for inspection by the police department. The information required in subsection 4 must be retained by the licensee for at least four years. Upon request of a certified police officer, the licensee must provide copies of all records required in subsection 4 above.

6- Receipts/ Pawn Tickets. The licensee must provide a receipt to the seller or pledger of an item of property received, which must be numbered to correspond to the entry in the licensee’s records and must include the items listed below. The pledger or seller must sign the receipt/pawn ticket and receive an exact copy of it:

a. the name, address, and phone number of the licensee’s business;

b. the date and time on which the item was received by the licensee;

c. a description of the item received and the amount paid to the pledger or seller in exchange for the item pawned or sold, and whether it was pawned or sold;

d. the signature or unique identifier of the licensee or agent engaged in the transaction;

e. the last regular business day by which the item must be redeemed by the pledger without risk that the item will be sold and the amount necessary to redeem the pawned item(s) on that date;

f. the monthly and annual rate of interest charged on pawned items received and all fees and charges;
g. the name and address of the seller or pledger;

h. the statement that “Any personal property pledged to a pawnbroker within this state is subject to sale or disposal when there has been no payment made on the account for a period of not less than 60 days past the date of the pawn transaction, renewal, or extension; further notice is necessary. There is no obligation for the pledger to redeem pledged goods”;

i- the statement that “The pledger of this item attests that it is not stolen, it has no liens or encumbrances against it, and the pledger has the right to sell or pawn the item”;

j-the statement that “This item is redeemable only by the pledger to whom the receipt was issued, or any person identified in a written and notarized authorization to redeem the property identified in the receipt, or a person identified in writing by the pledger at the time of the initial transaction and signed by the pledger. Written authorization for release of property to persons other than the original pledger must be maintained along with the original transaction record”; and

k- A blank signature line for the pledger’s signature.

8- Monthly Reports to Police. At the end of each month, the licensee must submit the information for each reportable transaction that is required by section 4 above. The information must be in the form of a printed or written form acceptable to the Chief of Police.

9- Stolen or Lost Property. A licensee must report to the Oxford Police an item pledged or received, or sought to be pledged or received, if the licensee has reason to believe that the article was stolen or lost.

10-Police Order to Hold or Confiscate.

a. Investigative Hold. Whenever a law enforcement official from another agency notifies a licensee not to sell an item, the item must not be sold or removed from the premises. If the investigative hold is confirmed in writing by the originating agency within 72 hrs., it will remain in effect for 15 days from the date of initial notification, or until the investigative order is canceled, or until an order/ confisicate is issued by the Chief of Police or his designee.

b- Order to Hold. Whenever the chief of police or his designee notifies a licensee in writing or electronically not to sell an item, the item may not be sold or removed from the licensed premise until authorized by the chief of police or his designee. An order to hold will expire 90 days from the date it is issued, unless the chief of police or his designee determines the hold is still necessary and notifies the licensee in writing to continue the hold.

c- Order to Confiscate. If an item is identified as stolen or evidence in a criminal case, the chief of police or his designee may:
(1) physically confiscate and remove the item from the premises, pursuant to a written order from the chief of police or his designee, or

(2) place the item on hold indefinitely, in which case the item may not be sold, refurbished, or removed from the premises without the written order of the chief of police or his designee.

When an item is confiscated the person doing so must provide identification upon request of the licensee, and must provide the licensee the name and phone number of the confiscating agency and investigator, and the case number related to the confiscation.

d- Termination of Order. When an order to hold/ confisicate is no longer necessary, the chief of police or his designee must terminate the order and notify the licensee.

11- Redemption; Non-Redemption; Risk of Loss.

a- A person pledging, pawning, or depositing an item for security must have a maximum of 60 days from the date of that transaction to redeem the item before it may be forfeited, refurbished, and sold, or in the case of precious metal, melted down or dismantled. During the 60 day redemption period a 30 day extension may be requested. During this time frame items may not be removed from the premises or sold, except as provided in this section. A person may redeem a pawned item 72 hrs. after the item was received by the pawnbroker or precious metal dealer, excluding Sundays and legal holidays. Licensees must redeem an item only to the original pledger, to a person identified in a written and notarized authorization to redeem the property signed by the pledger, or to a person identified in writing by the pledger at the time of the initial transaction. Written authorization for release of property to persons other that the original pledger must be maintained along with the original transaction record in accordance with this section. The deadline for redeeming an item must be a day on which the pawnbroker is open for regular business.

b- An item sold to a licensee may not be sold or otherwise removed from the premises for 30 days after the date of the sale, unless otherwise permitted by this section.

c- A pledger has no obligation to redeem pledged goods or make payment on a pawn transaction. Pledged goods not redeemed within 60 days of the date of the pawn transaction, renewal, or extension of 30 days will automatically be forfeited to the pawnbroker, and qualified title to the goods will automatically vest in the pawnbroker.

d- While the pledged goods remain in possession of the pawnbroker and not sold to a third party, the pawnbroker’s title to the pledged goods is qualified only by the pledger’s right to redeem the goods by paying the loan plus fees and interest accrued to the date of redemption. If the goods are lost or damaged while in the possession of the pawnbroker, the pawnbroker must compensate the pledger, in cash or replacement goods acceptable to the
pledger, for the fair market value of the lost or damaged goods. Proof of compensation is a defense to a prosecution or civil action.

12- Inspection of Items

a- Inspection by Town. The licensee must at all reasonable times during the term of the license, allow the police department to enter the business premises and other premises where items purchased or received as part of the business are stored. The purpose of the visit will be to inspect the premises and the merchandise to locate items suspected of being stolen or otherwise improperly disposed of, and to verify compliance with this section.

b- Inspection by Claimants. Additionally, the items coming into possession of the licensee must at all reasonable times be open to inspection of a person claiming to have been the owner of an item or to have an interest in it, if the person is accompanied by a police officer.

13- Label Required. Licensees must attach a label to every item at the time it is pawned, purchase, or received into inventory from a reportable transaction. Permanently recorded on the label must be the number or name that identifies the transaction in the licensee’s records, the transaction date, the name of the item and the description or the model and serial number of the item as reported to the police department, whichever is applicable, and the date the item can be sold, if applicable. Labels my not be reused.

14- Gambling. A licensee must not keep, operate, or permit the keeping or operation on the licensed premises of dice, slot machines, roulette wheel, punchboards, blackjack tables, or pinball machines that return coins or slugs, chips, or tokens of any kind, that are redeemable in merchandise or cash. A licensee must not keep or operate, and must not conduct raffles on the licensed premises and/or adjoining rooms. The purchase of lottery tickets may take place on the licensed premises as authorized by the director of the Maine Lottery Commission.

15- Storage Items. Items must be stored within the licensed premises building, except the town may permit the licensee to designate one locked and secured warehouse building within the town where the licensee may store items. No items may be stored in the designated warehouse building that is not reported under subsection 4 above. The licensee must permit immediate inspection of the warehouse at any time during business hours by the town and failure to do so is a violation of this ordinance. Items may not be stored in parking lots or other outside area. All provisions in this section regarding recordkeeping and reporting apply to items stored in the approved off-site facility.

16- Transfer Items. Items accepted by a licensee at a licensed location in the town must be for pledge or sale through a licensed location in town. No licensee under this section may sell an item that is transferred from a nonlicensed facility or a licensed facility outside the town.
17- Restriction on Weapons. A licensee may not receive as a pledge, or accept for consignment or sale, any firearm as defined in this code, unless the licensee maintains a federal firearms dealer’s license.

18- Change in Required Information. Each licensee has the continuing duty to properly notify the Chief of Police or his designee of any change in the information or facts required to be furnished on the application for a license. This duty will continue throughout the period of the license.

19- Change in Managers. For each new manager or assistant manager employed after the license is issued, a licensee must make the offer of employment contingent upon the town’s approval. Each licensee must notify the Chief of Police or his designee within 10 days after any new manager or assistant manager begins employment. This notification must include the information required in this ordinance. Failure to provide complete and timely information will subject the licensee to the penalties provided in this ordinance and to potential denial of a renewed license. The Chief of Police or his designee may cause an investigation on the new manager or assistant manager and may disapprove the employment of these personnel by notice to the licensee in writing. The licensee may appeal this decision to the select board placing a request in writing to the Town Clerk within ten days after the issuance of the notice. A failure to request an appeal waves the licensee’s ability to contest the Chief of Police’s decision. After the appeal period has expired without appeal, or the select board has upheld the Chief of Police’s decision upon appeal, no manager who has been disapproved may operate in that capacity upon the licensed premises.

20- Licensed Premises, Change of Ownership. Each license is issued only to the applicant and for the specific location on the premises that is described in the application and that is approved by the select board. No business may be conducted outside the licensed premises, except as otherwise provided in this ordinance. No license may be transferred to another person or place without application to the select board in the same manner as an application for a new license. Transfer of 25 percent or more of the stock of a corporation or a controlling interest thereof, whichever is less, is deemed a transfer of the license of a corporate licensee, except for a corporation whose stock is publicly traded on a stock exchange. A new license must be obtained before the transfer takes place. Each day a licensee operates after a transfer has taken place without complying with this ordinance is a separate violation subject to penalties.

21- Permitted Charges. A licensee may charge only interest rated and fees allowed by Maine Statute 30-A sec. 3963 and must post a schedule of charges on the licensed premises in a place clearly visible to the general public.

22- Pawning of Motor Vehicle Titles.

a- In addition to the other requirements of this section, a pawnbroker who holds a title to a motor vehicle as part of a pawn transaction must:
(1) - be licensed as a used motor vehicle dealer with the State and post such license on the pawnshop premises;

(2) - verify that there are no liens or encumbrances against the motor vehicle with the Maine Department of public safety; and

(3) - verify that the vehicle is registered

b- A pawnbroker may not sell a motor vehicle covered by a pawn transaction until 90 days after recovery of the motor vehicle.

Prohibitions

1. A licensee and a clerk, agent, or employee of a licensee must not:
   a. make a false entry in the records of transactions;
   b. falsify, obliterate, destroy, or remove from the place of business the records, books, or accounts relating to the licensee’s transactions;
   c. refuse to allow the appropriate law enforcement agency, the attorney general, or other duly sworn state or federal law enforcement officer inspect the records or goods in the person’s possession during the ordinary hours of business or other times acceptable to both parties;
   d. fail to maintain a record of each transaction for four years;
   e. accept a pledge or purchase property from a person under the age of 18 years;
   f. make an agreement requiring the personal liability of a pledger or seller, or waiving any provision of this section, providing for a maturity date less than one month after the date of the pawn transaction;
   g. Fail to return pledged goods to a pledger or seller, or provide compensation as set forth in this ordinance, upon payment of the full amount due the pawnbroker unless the date of redemption is more than 60 days past the date of the pawn transaction, renewal, or extension of 30 days and the pawnbroker has sold the pledged goods pursuant to this section, or the pledged goods have been taken into custody by a court or a law enforcement officer or agency;
   h. sell or lease, or agree to sell or lease, pledged or purchased goods back to the pledger or seller if the same, or a related, transaction;
   i. sell or otherwise charge for insurance in connection with a pawn transaction;
   j. remove pledged goods from the licensed premises or other approved storage place at any time before unredeemed, pledged goods are sold pursuant to this ordinance;
2. No person under the age of 18 years may pawn or sell or attempt to pawn or sell goods with any
licensee under this section.

3. No person may pawn, pledge, sell, consign, leave, or deposit an article of property with the
licensee under this section if the property is:
   a. not their own, whether or not the person has permission from the purported owner; or
   b. subject to a security interest.

4. No person seeking to pawn, pledge, sell, consign, leave, or deposit an article of property with a
licensee under this section may give or present to the licensee a name date of birth, residence
address, telephone number, proof of identification, or any other information required under
this section that is false, fictitious, or not their own.

Denial, Suspension and Revocation of License

1. Grounds. A license under this ordinance may be denied, suspended, or revoked for one or more of
   the following reasons:
   a. violation of one or more provisions of this section.
   b. violation of or non-compliance with any health, building, building maintenance, or other
      provisions of the Town of Oxford ordinances or state law;
   c. non-compliance with the Town of Oxford zoning code;
   d. impracticality or impossibility of conducting a background or financial investigation due to the
      unavailability of information;
   e. fraud, misrepresentation, or bribery in securing or renewing a license;
   f. violation within the preceding five years of any law relating to theft, damage or trespass to
      property, sale of a controlled substance, or operation of a pawnbroker, precious metal dealer,
      or secondhand dealer business;
   g. non-payment of real estate taxes, assessment or other financial claims of the town or state for
      the business premises licensed or sought to be licensed under this ordinance. If an action has
      been commenced questioning the amount of validity of taxes, the select board may on
      application by the licensee waive strict compliance with this provision. No waiver may be
      granted for an amount of taxes that remain unpaid for more than one year after becoming
due, unless the extended period is through no fault of the licensee.
2. Sanctions.

a. The select board may suspend for up to 60 days or revoke a license if a licensee or an agent or employee of the licensee failed to comply with an applicable statute, regulation or ordinance relating to the subject matter of this ordinance. No suspension or revocation will take effect until after the licensee has been afforded an opportunity for a hearing under the section entitled “Hearing; license, suspension, revocation, fine; appeal,” below.

b. A licensee’s conviction for theft, burglary, robbery, receiving stolen property or another crime involving stolen property will result in the immediate suspension of the license by operation of this ordinance, pending a hearing on revocation of the license.

Penalty

Except as otherwise provided by state law, a person violating a provision of this section is subject to the penalties established in this ordinance. A person violating any provision of this ordinance is subject to a civil penalty of not less than $100 per day nor more that $2,500 per day. Each day is a separate offense. In addition, if the Town prevails, it shall recover its attorney’s fees and costs. A criminal sentence imposed will not affect the right of the Town to suspend or revoke a license as the select board deems appropriate.

Hearing; license suspension, revocation, fine; appeal

1- When the Town Manager issues a written notice of intent to recommend that the Board of Selectman suspend, revoke, or fine a Pawn Broker, Precious metal Dealer, or a Second Hand Dealer’s license/ licensee the Town Manager will immediately send such notice, which shall include the specific grounds from this ordinance for such action, to the licensee (respondent) by personal delivery or certified mail. The notice shall specify a date, not less than ten (10) days nor more than twenty (20) days after the date the notice is issued, on which the Board of Selectman shall conduct a public hearing on the Town Manager’s written notice of intent to recommend that the Board of Selectman suspend, revoke the license or fine the licensee.

2- At the public hearing, the respondent shall have the opportunity to present all of the respondent’s arguments and to be represented by counsel, present evidence and witnesses on his or her behalf, and cross examine any of the Town Manager’s witnesses. The Town Manager may also be represented by counsel, and shall bear the burden of proving the grounds for denying, suspending, or revoking the license or for fining the licensee. The hearing shall take no longer than two (2) days, unless extended at the request of the respondent to meet the requirements of due process, and proper administration of justice. The Board of Selectman shall issue a written decision, including specific reasons for the decision pursuant to this Ordinance, to the respondent within five (5) days after the public hearing. The decision, if adverse to the respondent, shall not become effective until the thirtieth (30) day after it is rendered.
2- If any court action challenging a license decision is initiated the Town shall prepare and transmit to the court a transcript of the hearing within thirty (30) days after receiving notice of the filing of the court action. The Town shall consent to expedited briefing and/or disposition of the action, shall comply with any expedited schedule set by the court, and shall facilitate prompt judicial review of the proceeding.

TOWN OF OXFORD

Application for Pawn Broker, Precious Metal Dealer, or Second Hand Dealer license

Fees: Initial license - $100 renewal - $50

Applicant Name____________________________________Date of birth______________
Street residence address_____________________________________________________
Telephone number_______________________________
Name of Business ___________________________________________________________
Street address of business_____________________________________________________
Telephone number for business________________________________________________
Is the applicant the owner and operator or the business? Yes_________No_________
If the applicant is not the owner or operator:
Name of owner/ operator_______________________________________________________
Street address of owner/ operator______________________________________________
Has the applicant ever used a different name? Yes_______No________
If yes, Name used___________________________________________
Dates used_________________________________________________
Where used__________________________________________________
Street address for where Applicant has lived for past ten years.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Kind, name, and address of business or occupation applicant has engaged in for past ten years.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Name and address of Applicant’s employers and partners, if any, for past ten years.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Has the applicant been convicted of a violation of any State Law or local ordinance?
If yes, time, place, and offense

Has Applicant operated or been employed at a pawnshop, precious metal dealership, or secondhand dealership? Yes_______No_______

If yes, Time, place, and length of time:

Has applicant ever been in the military? Yes______ No______

If yes, please provide copy of Form DD214 with application.

Is applicant part of a partnership? Yes_______ No_______

If yes, an application needs to be filled out by each partner.
Prohibition of Retail Marijuana Establishments and Retail Marijuana Social Clubs

Section 1. Authority.
This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Maine Constitution, Article VIII, pt. 2; and 30-A M.R.S.A. § 3001.

Section 2. Definitions.
For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442.

Section 3. Prohibition on Retail Marijuana Establishments and Retail Marijuana Social Clubs.
Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities are expressly prohibited in the Town of Oxford.

Retail Marijuana Social Clubs are expressly prohibited in the Town of Oxford.

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

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

Section 4. Effective date; duration.
This ordinance shall take effect immediately upon enactment by the Town of Oxford and shall remain in effect until it is amended or repealed.

Section 5. Validity and Severability.
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 6. Enforcement.
This ordinance shall be enforced by the Oxford Board of Selectmen or the Code Enforcement Officer.

Section 7. Penalties.
Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.
SEASONAL WEIGHT LIMIT RULES

Section 1. Purpose and Authority

The purpose of this ordinance is to prevent damage to town ways and bridges in the Town of Oxford which may be caused by vehicles of the excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their maintenance and repair.

This ordinance is adopted pursuant to 30-A M.R.S.A. Section 3009 and 29 M.R.S.A. Section 902 and 1611.

Section 2. Definitions

The Definitions contained in Title 29 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. (NO RESTRICTION IF ROAD IS SOLILY FROZEN, SEE NOTE 1 BELOW)

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

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

Note 1: “Solidly frozen” means that the air temperature is below 32 F and no water is showing in the cracks of the road.
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 travel 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

The following vehicles are exempt from this ordinance:

(a) Any vehicles registered for a gross weight of 23,000 lbs. or less.
(b) Any two-axle vehicle while delivering home heating fuel;
(c) Any vehicle while engaged in highway maintenance or repair under the direction of the State or Town;
(d) Any emergency vehicle (such as firefighting apparatus or ambulances) while responding to an emergency;
(e) Any school transportation vehicle while transporting students;
(f) Any public utility vehicle while providing emergency service or repairs; and
(g) Any vehicle whose owner or operator holds a valid permit from the municipal officers as provided herein.

Section 5. Permits

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

(a) No other route is reasonably available to the applicant;
(b) It is a matter of economic necessity and not mere convenience that the applicant use the way or bridge; and
(c) The applicant has tendered cash, a bond or other suitable security running to the Town in an amount sufficient, in their judgment, to repair any damage to the way or bridge which may reasonably result from the applicant’s use of same.

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

In determining whether to issue a permit, the municipal officers shall consider the following factors:

(a) The gross registered weight of the vehicle;
(b) The current and anticipated condition of the way or bridge.
(c) The number and frequency of vehicle trips proposed;
(d) The cost and availability of materials and equipment for repairs;
(e) The extent of use by other exempt vehicles; and
(f) Such other circumstances as may, in their judgment, may 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 $1000.00. Each violation shall be deemed a separate offense. In addition to any fine, the Town 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 Town 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.
Sewer Use Ordinance
Town of Oxford, Maine
September 2014

Adopted 09/04/2014
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TOWN OF OXFORD SEWER USE ORDINANCE

The following Ordinance is hereby established to regulate the use of public and private sewers, private wastewater disposal, the installation and connection of building sewers, and the discharge of water and waste into the public sewer system(s), and providing penalties for violations thereof, in the Town of Oxford, County of Oxford, State of Maine.

1. GENERAL PROVISIONS

1.1 PURPOSE AND POLICY

This Ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) of the Town of Oxford and enables the Town to comply with all applicable State and federal laws, including the Clean Water Act (33 United States Code § 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). Recognizing that significant opportunities exist to reduce or prevent pollution at its source through cost effective practices and that such practices can offer savings through reduced purchases of materials and resources, a decreased need for pollution control technologies, and lower liability costs as well as assisting to protect the environment, the Town establishes the following objectives of this Ordinance:

A. To promote, consistent with the policy of the federal government:
   - The prevention or reduction of pollutants at the source whenever feasible;
   - Recycling in an environmentally-safe manner when pollution cannot be prevented;
   - Treatment in an environmentally-safe manner of pollution that cannot be prevented or recycled; and
   - Disposal or other release into the environment in an environmentally-safe manner only as a last resort.

   To encourage the development of these efforts, the Town may:
   - Set Town-wide pollution prevention goals;
   - Organize an assessment program task force;
   - Review data and inspect sites;
   - Develop pollution prevention options;
   - Conduct a feasibility analysis of selected options; and
   - Promote implementation of pollution prevention techniques.

B. To prevent the introduction of pollutants into the POTW that will interfere with its operation;

C. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;

D. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

E. To promote reuse of sludge from the POTW;

F. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW; and
G. To enable the Town to comply with its Maine Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or State law or contractual obligation to which the POTW is subject.

H. To promote a Positive Program to Encourage Connections.

This ordinance shall apply to all users of the POTW, and other Town residents where necessary. The Ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 ADMINISTRATION
Except as otherwise provided herein, the Oxford Board of Selectmen shall administer, implement, and enforce the provisions of the Ordinance. Any powers granted to or duties imposed upon the Selectmen may be delegated by the Selectmen to other Town personnel.

1.3 ABBREVIATIONS
The following abbreviations, when used in this Ordinance, shall have the following designated meanings:

- BOD: Biochemical Oxygen Demand
- CFR: Code of Federal Regulations
- CEO: Codes Enforcement Officer
- COD: Chemical Oxygen Demand
- DPW: Department of Public Works
- EPA: United States Environmental Protection Agency
- gpd: Gallons per day
- IDP: Industrial Discharge Permit
- LPI: Licensed Plumbing Inspector
- mg/l: Milligrams per liter
- MEDEP: Maine Department of Environment Protection
- MEPDES: Maine Pollutant Discharge Elimination System
- POTW: Publicly Owned Treatment Works
- RCRA: Resource Conservation and Recovery Act
- SIC: Standard Industrial Classification
- TSS: Total Suspended Solids
- USC: United States Code

1.4 DEFINITIONS
A. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

1. Act or the Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.

2. Approval Authority. The Maine Department of Environmental Protection or its duly appointed agent.
3. Authorized Representative of the User.
   a. If the user is a corporation:
      i. The president, secretary, treasury, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
      ii. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars, its authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
   b. If the user is a partnership or sole proprietorship; a general partner or proprietor, respectively.
   c. If the user is a federal, State, or local government facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.
   d. The individuals described in paragraphs (a) through (c) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Town.

4. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

5. Building Drain. That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

6. Building Sewer. The extension from the building drain to the public sewer or other place of disposal, also called house connection or lateral.


8. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limitations promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of users and that appear in 40 CFR Chapter 1, Subchapter N. Parts 405-471.

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

10. Commercial Use. Premises used for financial gain, such as business or industrial use, but excluding residential uses and related accessory uses.

11. Commissioner. The Commissioner of the Maine Department of Environmental Protection or the Commissioner's duly appointed agent.

12. Control Authority. The term Control Authority as used in this Ordinance, refers to the party responsible for implementing the Town's pretreatment program.

13. Developer. Any individual, firm, company, association, society, corporation, or group wishing to or causing the extension of sewer lines within the terms of this ordinance.
14. Domestic Wastewater or Sewerage. Household toilet wastes or waste from sanitary conveniences of residences, commercial buildings, and industrial plants, excluding ground, surface, or storm water. (See also: Industrial Wastes.)

15. Easement. An acquired legal right for the specific use of land owned by others.

16. Environmental Protection Agency or EPA. The United States Environmental Protection Agency or, where appropriate, the EPA Regional Waste Management Division Director, or other duly authorized official of said agency.

17. Existing Source. Any source of discharge, the construction of operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the act.

18. Floatable Oil. Oil, fat or grease (FOG) in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

19. Force Main. A line without access from individual properties, providing a connection from a pump station to a pump station, trunk, or sanitary sewer main.

20. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

21. Grab Sample. A sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

22. Grease. The material removed from a grease interceptor (trap) serving a restaurant or other facility requiring such grease interceptors. Also means volatile and non-volatile residual fats, fatty acids, soaps, waxes and other similar materials.

23. Hauler. Those persons, firms, or corporations, whose pump, haul, transport, or dispose of septage and who are licensed by the Maine Department of Environmental Protection pursuant to the Department's rules (06-096 Chapter 411) and rules adopted to implement said section.

24. Human Excrement and other Putrescible Material. The liquid or solid matter discharged from the intestinal canal of a human, or other liquid or solid waste materials that are likely to undergo bacterial decomposition.

25. Incompatible Pollutant. Any pollutant that is not a compatible pollutant.

26. Industrial Discharge Permit or IDP. The written permit between the Town and an industrial user that outlines the conditions under which discharge to the POTW will be accepted.

27. Industrial User. A person who discharges industrial wastes to the POTW of the Town.

28. Industrial Wastes of Non-Domestic Wastewater. The wastewater and waterborne wastes from any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacturing trade or business or from development of any natural resources as distinct from domestic wastewater, sewage, or unpolluted water.

29. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the act.

30. Inspector. The Selectmen, the Superintendent, or other duly authorized representatives making inspections, observations, measurements, samplings and testings within the terms of this ordinance.
31. Instantaneous Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

32. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore is a cause of a violation of the Town's MEPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as RCRA; any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research, and Sanctuaries Act; and 40 CFR Part 503 Standards for Sewage Sludge Use and Disposal.

33. Local Limits. Numerical limitations on the discharge of pollutants established by the Town, as distinct from State or federal limitations for non-domestic wastewater discharged to the POTW.

34. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, chemotherapy wastes, and dialysis wastes.

35. MEPDES Permit or Maine Pollutant Discharge Elimination System Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

36. Natural Outlet. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body or surface water or groundwater.

37. Normal Domestic Wastewater. Wastewater generated by residential users containing not more than 200 mg/l BOD and not more than 250 mg/l suspended solids.

38. New. When the term “new” is used in relation to new building/dwelling construction, new building service lateral connections, and new public sanitary sewer system, “new” is defined as occurring on or after DATE.

   a. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced subsequent to the publication of proposed pretreatment standards under Section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
      i. The building, structure, facility, or installation is constructed as a site at which no other source is located; or
      ii. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
      iii. The production or wastewater-generating process of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the
new facility is engaged in the same general type of activity as the existing source, will be considered.

b. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

i. Begun or caused to begin, as part of a continuous on-site construction program
   a) any placement, assembly, or installation of facilities or equipment; or
   b) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or

ii. Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

c. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (a)(ii) or (a)(iii) above but otherwise alters, replaces, or adds to existing process or production equipment.

40. Non-Contact Cooling Water. Water used for cooling that does not directly contact any raw material, intermediate product, waste product, or finished product.

41. Pass Through. A discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Town’s MEPDES permit, including an increase in the magnitude or duration of a violation.

42. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents or assigns. This definition includes all federal, State, and local governmental entities.

43. pH. A logarithmic measure devised to express the hydrogen ion concentration of a solution, expressed in Standard Units. Solutions with pH values greater than 7 are basic (or alkaline); solutions with pH values less than 7 are acidic.

44. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological wastes, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

45. Pollution Prevention. The use of materials, processes, or practices that reduce or eliminate the creation of pollutants or wastes at the source, or minimize their release to the environment prior
to recycling, treatment, or disposal. It includes practices that reduce the use of hazardous materials, energy, water, or other resources. It also includes practices that protect natural resources and human health through conservation, more efficient use, or effective release minimization.

46. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes: by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

47. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

48. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

49. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances as identified in Section 3.3 of this Ordinance.

50. Properly Shredded Garbage. Wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be transported freely under the flow conditions normally prevailing in public sewers, with no particle greater than \( \frac{1}{8} \) inch in any dimension.

51. Public Sewer. A pipe or conduit that carries waste water, storm water, groundwater, subsurface water, or unpolluted water from any source, which is controlled by a governmental agency or public utility.

52. Publicly Owned Treatment Works or POTW. A “treatment works,” as defined by Section 212 of the Act (33 U.S.C. §1292) that is owned by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if these structures convey wastewater to a POTW wastewater treatment facility. The term also means the municipality that has jurisdiction over discharges to and from such a treatment plant, and any sewer that conveys wastewater to the POTW from persons outside the Town who are, by contract or agreement with the Town, users of the Town’s POTW.

53. Recreational Vehicle or “RV”. A mobile vehicle or trailer used for temporary living e.g. a camper or wholly self-contained transport and living unit.

54. Sanitary Sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial facilities, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

55. Screening Level. That concentration of a pollutant that under baseline conditions would cause a threat to personnel exposed to the pollutant, or would adversely impact structures of the POTW. To be administered as local limits applicable to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge that differ from baseline conditions.

56. Semi-Public Use. Premises of private, non-profit organizations such as schools, hospitals, and religious institutions.

57. Septage or Septic Tank Waste. Any liquid, solid, or sludge pumped from chemical toilets, vaults, septic tanks, or cesspools or other holding tanks, that have received only domestic wastewater.
58. Septage Tank Truck. Any watertight vehicle that is used for the collection and hauling of septage as described above and that complies with the rules of the Maine Department of Environmental Protection.

59. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)

60. Sewer. A pipe or conduit that carries wastewater, storm water, ground water, subsurface water, or unpolluted water from any source.

61. Shall. Means mandatory; may means permissive.

62. Significant Industrial User.
   a. A user subject to categorical pretreatment standards under 40 CRF 403.8 and 40 CFR Chapter 1, Subchapter N; or
   b. A user that:
      i. Discharges an average of ten thousand (10,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blow down wastewater);
      ii. Contributes a process waste stream that comprises five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
      iii. Is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.
   c. Upon determining that a user meeting the criteria in Subsection b. i. or b. ii has no reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement, the Town may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f) (6), determine that such user should not be considered a significant industrial user.

63. Significant Noncompliance or SNC. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:
   a. Chronic violations. A pattern of violating the same pretreatment standard daily maximum or average limit (any magnitude of exceedance) sixty-six percent (66%) or more of the time in a 6-month period;
   b. Technical Review Criteria (TRC violations). Thirty-three percent (33%) or more of the measurements exceed the same pretreatment standard daily maximum limit or average limit by more than the TRC factor in a six month period. The TRC factor is 1.4 for biochemical oxygen demand (BOD), total suspended solids (TSS), oil & grease and 1.2 for all other pollutants except pH;
   c. For continuous pH monitoring, excursions shall be considered SNC when:
      i. The total time during which the pH values are outside the required range of pH values exceeds 7 hours and 26 minutes in any calendar month; or
      ii. An individual excursion from the range of pH values exceeds 60 minutes; or
      iii. An excursion occurs that the Town believes has caused, alone or in combination with other discharges, interference or pass-through; or has endangered the health of the sewage treatment personnel or the general public; or
      iv. Any pH less than or equal to 2.0 or greater than or equal to 12.5.
d. Any other discharge violation that the Town believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

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

f. Failure to meet, within ninety (90) days of the Scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

g. Failure to provide within thirty (30) days after the due date, any required reports, including Industrial Discharge Permit applications, periodic self-monitoring reports, and reports on compliance with compliance schedules;

h. Failure to accurately report noncompliance; or

i. Any other violation(s) that the Town determines will adversely affect the operation or implementation of the local pretreatment program.

64. Slug Load or Slug. Means:

a. Any discharge of water, wastewater, sewage, or industrial sewage which, in concentration of any given constituent or in quantity of flow, exceed for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation;

b. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 3.3 of this Ordinance; or

c. Any discharge that may adversely affect the collection system and/or performance of the POTW.

65. Source Reduction. Any practice that:

a. Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and

b. Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.

The term includes equipment or technology modifications; process or procedure modifications; reformulation or redesign of products; substitution of raw materials; and improvements in housekeeping, maintenance, training, or inventory control. The term “source reduction” does not include any practice that alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity that itself is not integral to and necessary for the production of a product or the providing of a service.


68. Storm Drain or Storm Sewer. A drain or sewer for conveying storm water, groundwater, subsurface water, or unpolluted water from any source.

69. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
70. Superintendent. The person designated by the Town to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance, or a duly authorized representative, all acting for the Board of Selectmen.

71. Suspended Solids or TDD. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.


73. Treatment Plant, Treatment Works, or Treatment Facility. Any device or system used in the storage, treatment, equalization, recycling or reclamation of wastewater and/or wastewater sludge as defined herein.

74. Unpolluted Water. Water of quality equal to or better than the State Water Quality Standards or water that would not cause a violation of receiving water quality standards and would not be benefitted by discharge to the POTW.

75. User or Industrial User. A source of pollutants introduced into the POTW from any nondomestic source regulated under Section 307 (b), (c), or (d) of the Act.

76. Wastewater. Liquid and water-carried industrial wastes and/or sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

77. Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.

2. GENERAL SEWER USE REQUIREMENTS

2.1 USE OF PUBLIC SEWERS

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town or in any area under the jurisdiction of the Town, any human or animal excrement, garbage, or objectionable waste.

B. It shall be unlawful to discharge to any natural outlet within the Town, or in any area under the jurisdiction of the Town, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and with State and federal laws and regulations.

C. Sewers for Intended Uses Only. No person shall discharge into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste or substance other than for which the particular sewer is intended, designed or provided.

D. Applicable Permits Required. No person shall discharge into any public sewer of the Town, or into any fixture that thereafter discharges into any public sewer, any waste or substance until all applicable federal, State and local permits have been obtained.

E. Use of Sanitary Sewers. Except as specifically provided with reference to some particular sewer, sanity sewers shall be used only for the conveyance and disposal of domestic wastewater, and for industrial wastes that are not objectionable as hereinafter provided. No sanitary sewer shall be used to receive and convey or dispose of any storm or surface water, subsoil, or unpolluted water.

F. Use of Storm Sewers. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers, or a natural outlet approval by the Town Manager, A MEPDES permit is required prior to discharging industrial cooling water, process waters, or water runoff generated in areas of industrial activity (as defined in 40 CFR Part 122) to a storm sewer or natural outlet.
G. Use Designation. If the intended or designated use of any particular sewer or drain and allowable discharge thereto is unclear, the Codes Enforcement Officer will consider the pertinent facts and make a determination. Said determination will be final and binding.

H. Except hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater in any area where a public sewer is available, as described in paragraph (I) below.

I. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, Situated within the Town and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required at the owner(s) expense to install a suitable toilet facilities therein, and to connect such facilities directly to the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days subsequent to the date of official notice to do so, provided that said gravity public sewer is within one hundred fifty (150) feet of the building to be served, unless prevented by topographical or other reasons. This requirement for public connection may be waived if the household is already connected to a properly functioning, State-approved septic system conforming with Maine's Subsurface Wastewater Disposal Rules, 144A CMR 241, until such system fails, at which time the owner(s) shall connect to the public sewer. Owner(s) of new houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes whose requirement for connection was waived will be subject to a Standby Fee. See Section 14.6(A) for more information.

J. Where a public sanitary sewer is not available under the provisions of paragraph (I) above, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of 144A CMR 241, and rules promulgated thereto. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town. At no time shall any quantity of industrial waste be discharged to a private, domestic wastewater disposal facility.

K. At such time as a public sewer becomes available to a property serviced by a private wastewater disposal system, the owner shall connect to the public sewer, as provided in paragraph (I) above. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with clean mineral soils and their use shall be discontinued.

L. Any additional requirements may be imposed by the Selectmen, as required by new local, State and federal laws and regulations.

M. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is part of the POTW.

2.2 BUILDING SEWERS AND CONNECTIONS

A. No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Code Enforcement Officer. All work related to the installation of building sewers, and the connection to the public sewers, shall be performed only after all permits as required by local, State, and federal law have been obtained. Any work within Town right’s-of-way or easements is subject to additional permitting regulations.

B. Service Markers: Electronic markers shall be provided at the property line for all new building sewer laterals or point of reconnection for all existing services. Marker disks shall be placed
directly over the building sewer lateral at least 6 inches above the pipe. Depth of marker burial shall not be less than 3 feet or more than 5 feet. Markers shall be laid in a level position and hand backfilled to 1 foot above the disk to prevent movement or damage. Marker disks shall produce a uniform radio operating frequency of 121.6 kHz. Marker shall be color coded green for sanitary sewer services in accordance with AWPA Uniform Color Code.

C. Backwater Valves: To protect from the possibility of backflow of sewage, backwater valves shall be required for all new connections to the public sewers.

1. Materials: All bearing parts of backwater valves shall be corrosion-resistant material. Backwater valves shall comply with ASME A112.41.1, CSA B181.1 or CSA B181.2.
2. Seal: Backwater valves shall be constructed as to provide a mechanical seal against backflow.
3. Diameter: Backwater valves, when fully open, shall have a capacity not less than that of the pipes in which they are installed.
4. Access: Backwater valves shall be installed so that access is provided to the working parts for service and repair.

D. All persons proposing a new discharge into the system or substantial change in the volume or character of pollutants that are being discharged into the system shall notify the Superintendent of the POTW at least forty-five (45) days prior to the proposed change or connection.

E. There shall be at least two (2) classes of building sewer permits: (a) for residential and commercial service producing only domestic wastewater, and (b) for the service to establishments producing industrial wastes. In either case, the owner(s) or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information (including pollution prevention studies) considered pertinent in the judgment of the Selectmen. A permit and inspection fee in accordance with applicable Town requirements shall be paid to the Town at the time the application is filed. One copy of the permit shall be available for inspection at all times at the site of the work.

F. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

G. A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases, the front building sewer may be extended to the rear building and the whole considered as one building sewer, but the Town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

H. Existing building sewers may be used in connection with new buildings only when they are found, on examination and test by the CEO or LPI, to meet all requirements of this Ordinance.

I. The size and slope of the building sewer laterals shall be subject to the approval of the Town Manager or CEO, but in no event shall the diameter be less than six inches. Gravity sewer pipe and fittings shall be SDR 35 Polyvinyl Chloride (PVC) unless otherwise approved by the Town Manager or CEO. The slope of the building sewer service pipe shall not be less than one-eighth inch per foot. The sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with manholes or pipe fittings as approved by
Town Manager or CEO. A cleanout shall be provided at bends greater than 45 degrees or at 100 foot maximum intervals. An accurate record of each building sewer, its location, and its depth at the street line shall be provided to the Town Manager or CEO. The methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, and the Maine Department of Environmental Protection’s Rules. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) and Water Environment Federation (WEF) Manual of Practice No. FD-5 shall apply. All such connections shall be made gas-tight and watertight and verified by proper testing. Any deviation from the prescribed procedure and materials must be approved by the CEO or LPI before installation.

J. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage conveyed by such building drain shall be lifted by an approved means and discharged to the building sewer at the owner’s expense.

K. Building Sewers Required Frequent Maintenance; Any new building sewer lateral serving a school, hospital, or similar institution, or public building, or serving a complex of commercial or industrial building, or which, in the opinion of the Town Manager or CEO, will receive sewage or industrial wastes of such volume or character that frequent maintenance of said building sewer is anticipated, then such building sewer service shall be connected to the public sewer through a manhole. If required, a new manhole shall be installed in the public sewer and the location of this manhole and the building sewer connection to it or to any existing manholes shall be as specified by the Superintendent, Town Manager or CEO.

L. No person(s) shall make connection of sump pumps, roof downspouts, interior or exterior foundation drains, or other sources of surface run-off, groundwater, or natural precipitation to a building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.

1. Any person, firm or corporation having a roof, surface, ground, sump pump, foundation drain, cistern overflow, or swimming pool now connected and/or discharging into the public sanitary sewer shall be closed or repaired in an effective, workmanlike manner, as approved by the Town.

2. Every person owning improved real estate that discharges into the Town’s public sanitary sewer shall allow an employee of the Town or their designated representative to inspect the buildings to confirm that there is no sump pump or other prohibited discharges into the public sanitary sewer. Any person refusing to allow their property to be inspected shall immediately become subject to the Inflow Fee hereinafter provided for. Any property found to violate this provision of the Ordinance shall make the necessary changes to comply with the Ordinance and furnish proof of the changes to the Town.

3. If the Town has reason to suspect that an illegal connection may exist in a premise, the owner, by written notice shall comply with these provisions. Should a property certified in compliance with these provisions be found to have reconnected a roof drain, sump pump or any other form of natural precipitation or groundwater to the public sanitary sewer, the property owner will be subject to the Inflow Fee for all months between the last two inspections.
4. An Inflow Fee of two-hundred dollars ($200) per year (or fifty dollars ($50) per quarterly billing) is hereby imposed and added to every sewer billing to each property owner not in compliance with these provisions. The Inflow Fee shall be added every year until the property is in compliance with these provisions. The imposition of the Inflow Fee shall not limit the Town’s authority to prosecute the criminal violations or seek an injunction in court ordering the person to disconnect the nonconforming connection to the public sanitary sewer.

5. This provision enforces actions necessary to achieve the Town's Inflow and Infiltration Reduction Program goals of reducing Combined Sewer Overflow events.

M. No person(s) shall allow any floor drain to be connected to any building sewer or building drain that in turn is connected directly or indirectly to a public sanitary sewer.

1. No person(s) shall allow any floor drain to be connected, or remain connected, to any building sewer or building drain that in turn is connected directly or indirectly to public storm sewer.

N. No person shall obstruct the free flow of air through any drain or soil pipe.

O. The applicant for the building sewer permit shall notify the CEO when the building sewer is ready for inspection and connection to the public sewer. Such notice shall be provided not less than 24 hours in advance of the time any connection is to be made to any public sewer. The connection and testing shall be made under the supervision of the CEO or his representative. This requirement shall also apply to repairs or alterations to building connections, drains, or pipes thereto.

P. Suitable provisions shall be made at the point of connection for testing, which responsibility shall rest with the holder of the sewer connection permit.

Q. No building sewer shall be covered until it has been inspected and approved by the CEO or his representative. If any part of building sewer is covered before being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to the public sewer.

R. The CEO shall maintain a record of all connections made to public sewers and drains under the Ordinance and all repairs and alterations made to building connections or drains connected to or discharging into public sewers and drains of the Town or intended to so discharge. All persons concerned shall assist the CEO in securing the data needed for such records.

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

T. Proposed new discharges from residential or commercial sources involving loadings exceeding 50 populations equivalents (5,000 gpd), any new industrial discharge, or any alteration in either flow or waste characteristics of existing industrial waste that are being discharged into the POTW must be approved by the Maine Department of Environmental Protection (MEDEP). Such approvals shall be obtained in accordance with Section 4.3 of this Ordinance.

U. In the case of buildings being removed or demolished, the building sewer shall be capped at the street right-of-way line to the satisfaction of the Town Manager or CEO.

2.3 LICENSING OF PERSONS AUTHORIZED TO MAKE CONNECTIONS TO THE PUBLIC SEWER

Plumbers and drain layers of established reputation and experience will be duly licensed and authorized to perform such work.
2.4 PROHIBITED DISCHARGE STANDARDS

Pollutants, substances, or wastewater prohibited by this section shall be processed or stored in such a manner that they could not be accidently discharged to the POTW.

A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass-through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other federal, State, or local pretreatment standards or requirements.

B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, gas, solid, or any substance that may generate or form any flammable, combustible or explosive substance, fluid, gas, vapor or liquid when combined with air, water or other substances present in sewers, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

2. Wastewater having a pH less than 5.5 or greater than 10.0, as measured at the point of connection to the sanitary sewer or other available monitoring location, or otherwise causing corrosive structural damage or hazard to the POTW equipment, or personnel, or with characteristics in such quantities that the pH of the POTW is caused to exceed 8.0; or drop below 6.0;

3. Solid or viscous substances including water or wastes containing fats, wax, grease, or oils, whether emulsified or not, or containing substances that may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees (0-65 degrees C), in amounts that will cause obstruction of the flow in the POTW resulting in interference; User discharges shall not cause FOG levels at the WWTF to exceed 20 mg/L with less than 150 mg/L of emulsified FOG with no free oil and less than 10 mg/L of mineral or non-biodegradable oil;

4. Pollutants, including oxygen-demanding pollutants (BOD, COD, etc.), or chlorine demand requirements released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause interference with the POTW;

5. Wastewater having a temperature greater than 150°F (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater that causes the temperature at the introduction into the POTW treatment plant to exceed 104°F (40°C) or drop below 46°F (8°C);

6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through;

7. Pollutants that result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

8. Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Section 4.9 of this Ordinance;

9. Medical wastes except as specifically authorized by the Town;
10. Wastewater causing, alone or in conjunction with other sources, the treatment plant’s effluent or sludge to fail a toxicity test;

11. Household hazardous wastes including but not limited to paints, stains, thinners, pesticides, herbicides, anti-freeze, transmission and brake fluids, motor oil, battery acid, or any other waste that would be considered hazardous waste under 40 CFR part 261.

C. Additional problems. No user shall introduce or cause to be introduced into the POTW the following substances, pollutants or wastewater, unless specifically authorized by the Town;

1. Wastewater that imparts color that may not be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently may impart color to the treatment facility’s effluent, thereby violating the Town’s MEPDES permit;

2. Noxious or Malodorous liquids, gases, solids, or other wastewater that, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life, or to prevent entry into the sewers for maintenance or repair;

3. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or federal regulation;

4. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, or otherwise unpolluted wastewater;

5. Sludges, screenings, or other residues from the pretreatment of industrial wastes;

6. Detergents, surface-active agents, or other substances that may cause excessive foaming in the POTW;

7. Wastewater causing a reading on an explosion hazard meter at the point of discharge into the POTW, or any point in the POTW, of more than 10 percent (10%) of the Lower Explosive Limit of the meter;

8. Garbage that has not been properly shredded (garbage grinders may be connected to sanitary sewers form homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers);

9. Any quantities of flow, concentrations, or both that constitute a “slug” as defined in Section 1.4 of this Ordinance;

10. Waters or wastes that, by interaction with other water or wastes in the POTW, release dangerous or noxious gases, form suspended solids that affect the operation of the collection system, or create a condition deleterious to structures and treatment processes; or

11. Any materials that exert or cause unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime, slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

12. Any rags or cloths such as baby, handy or any type of wipes including wipes labeled as “disposable” or “flushable”. While the manufacturers claim the wipes are disposable or flushable, the wipes do not fall apart or disintegrate like tissue paper. The wipes stay intact and can clog wastewater pumps and cause them to fail.
2.5 FEDERAL CATEGORICAL PRETREATMENT STANDARDS

The categorical pretreatment standards are found at 40 CFR Chapter 1, Subchapter N, Part 405-471 and are hereby incorporated into this Ordinance.

MEDEP shall be the Control Authority for industrial users subject to categorical pretreatment standards. As the Control Authority, industrial users are responsible to the MEDEP for compliance with categorical pretreatment standards and the requirements of 40 CFR Part 403. Categorical industrial users shall provide the Town with copies of any reports to, or correspondence with MEDEP relative to compliance with the categorical pretreatment standards.

The industrial user is responsible for determining the applicability of categorical pretreatment standard. The user may request that EPA provide written certification on whether the user is subject to the requirements of a particular category.

2.6 LOCAL DISCHARGE RESTRICTIONS

All persons discharging industrial process wastes into public or private sewers connected to the Town’s POTW shall comply with applicable federal requirements and State standards for pretreatment of wastes as they may be amended from time to time in addition to the requirements of the Ordinance.

Local numerical discharge limitations shall be in accordance with all State pretreatment standards.

If any waters or wastes are discharged or are proposed to be discharged to the POTW that exceed the standards or restrictions established in Sections 2.3, 2.4, and 2.5 of this Ordinance, which in the judgment of the Selectmen or Superintendent may have a deleterious effect upon the POTW, processes, equipment, or receiving waters, or that otherwise create a hazard to worker safety or health, or constitute a public nuisance, the Selectmen may:

Reject or prevent any discharge to the POTW after notice has been served to the discharger and the discharger has had reasonable opportunity to respond;

Require pretreatment prior to discharge to the POTW (Section 3.0);

Require control (e.g., equalization) over the quantities and rates of discharge; and/or

Require payment to cover additional cost of handling and treating the wastes.

If the Selectmen allow the pretreatment or equalization of waste flows, the design and installation of the systems and equipment shall be subject to the review and approval of the Selectmen and the State (see Section 3).

A. Maximum Allowable POTW Headworks Loadings Limitations. The Selectmen may establish numerical pollutant limitations to protect against pass-through and interference:
The Selectmen shall calculate and administer daily concentration limits (i.e., local limits) when required as described below to ensure that the combined industrial pollutant discharge loadings do not cause or contribute to exceedances of these limitations. For industrial discharge applications, the local limits shall apply at the end of the process train prior to dilution with non-industrial wastewaters.

Daily concentrations are the concentration of a pollutant discharged, determined from the analysis of a flow-composited sample (or other sampling procedure approved by the Selectmen) representative of the discharge over the duration of a 24-hour day or industrial operating schedule of less than 24 hours.

All concentration limits for metals represent "total" metal unless indicated otherwise. The Selectmen may impose mass limitations in addition to, or in accordance with Section 2.8, in place of the concentration-based limitations.

Unless specifically identified in an industrial discharge permit, an industrial user shall not discharge the local limits development.

2.7 TOWN’S RIGHT OF REVISION
The discharge standards and requirements set forth in Sections 2.4, 2.5, and 2.6 are established for the purpose of preventing discharges to the POTW that would harm the sewers, wastewater treatment process, or equipment; would have an adverse effect on the receiving stream; or would otherwise endanger lives, limb, public property, or constitute a nuisance.

To meet these objectives, the Selectmen may, from time to time, review and set more stringent standards or requirements than those established in Sections 2.4, 2.5, and 2.6 if, in the Selectmen’s opinion, such more stringent standards or requirements are necessary. At a minimum, this review will be performed at least once every five years. In forming this opinion, the Selectmen may give consideration to such factors as the quantity of waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment facility, degree of treatability at the wastewater treatment facility, pollution prevention activities, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer shall not be exceeded without the approval of the Selectmen.

The Selectmen shall allow affected industrial users reasonable time to comply with the development of or any changes to the local limits. The conditions and schedule for compliance shall accompany the written notification of new or amended local limits.

2.8 DILUTION
No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard and requirement. The Selectmen may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.
2.9 MASS-BASED LIMITATIONS

Users implementing process changes may request that compliance be determined based on mass limitations in lieu of concentration limitations. Such mass-based limitations will be calculated from the permitted concentration-based limitations and flows, and shall be equivalent to or less than the mass discharge in effect at the time of the request. The intent of a mass-based limit is to encourage and allow pollution prevention and/or water conservation measures that might cause a facility to increase pollutant concentrations in its discharge even though the total mass of the pollutant discharged does not increase, and may in fact decrease. Decisions on granting requests for mass-based compliance limitations will be based on user-specific information and current operating conditions of the POTW, and will be at the discretion of the Selectmen. Implementation of mass-based limitations may not contravene any requirements of federal or State laws/or regulations implemented thereunder, and may not waive applicable categorical pretreatment standards.

2.10 SEWER EXTENSIONS

A. All extensions to the sanitary sewer system owned and operated by the Town of Oxford shall be properly designed by an engineer registered in the State of Maine. Plans and specifications for sewer extensions shall be submitted to and approval obtained from the Selectmen before construction may proceed. The design of sewers must anticipate and allow for plans for all possible future extensions or developments within the immediate drainage area.

B. Sewer Extension Design Standards: The following design standards shall be followed for all sewer extensions.

1. Manhole: Manholes shall be constructed at all changes in slope or alignment and at intervals not to exceed 300 linear feet.
2. Materials, Joints and Connection to Building Sewers: Gravity sewer pipe and fittings shall be SDR 35 Polyvinyl Chloride (PVC) unless otherwise approved by the Superintendent. Minimum internal pipe diameter for a sewer main shall be 8 inches and for a building sewer lateral shall be 6 inches.
3. Sewer Extensions: To the maximum extent practicable, all sewer extension shall be constructed within approved street right-of-way. Otherwise, sewer extensions shall be construction centered on a 30 foot wide permanent right-of-way deeded to the Town.

C. Sewer Manhole Frames and Covers: Sewer manhole covers Sewer extensions, including individual building sewers from the sewer to the property line, may be constructed by the Town under public consent if, in the opinion of the Board of Selectmen, the number of properties to be served by such extension warrants its cost. Under this arrangement the property owner shall pay for and install the building sewer from the property line to his residence or place of business. Property owners may propose sewer extensions within the Town by drafting a written petition, signed by a majority of the benefiting property owners, and filing it with the Board of Selectmen. The cost of such extension may be assessed to the benefited property owners in any manner determined by the Board of Selectmen.

D. If the Town does not elect to construct a sewer extension under public contract, the property owner or developer may construct the necessary sewer extension, if such extension is approved by the Board of Selectmen in accordance with the requirements of Paragraph A above. He or they
must pay for the entire installation, including all expenses incidental thereto. Each building sewer installed must be installed and inspected as previously required and the inspection fees shall be paid. Design of sewers shall be as specified in paragraph E. below. The installation of the sewer extension must be subject to periodic inspection by the Town, and to expenses for this inspection shall be paid for by the owner or developer. The Selectmen’s decisions shall be final in matters of quality and methods of construction. The cost of sewer extension thus made shall be absorbed by the developers or property owners, including all building sewers.

E. Sewer design shall be in accordance with the requirements of the Town and typical engineering standards, and all sewers shall satisfy the requirements of a final leakage test before they will be approved and sewage flow accepted from them by the Town. The primary means of testing leakage in gravity sewers shall be by low pressure air test prescribed by the Selectmen after installation of the house service fitting and leads to the property line, and after completing backfill of the gravity sewer trench. Exfiltration or infiltration testing shall be permitted and performed in areas approved by the Selectmen.

Leakage in gravity sewers shall not exceed 100 gallons per inch diameter, per day, per mile of pipe when tested by either infiltration or exfiltration means. Should the pipe as laid fail to meet these requirements, the developer shall perform the necessary work at his expense to meet these requirements.

Where groundwater is high, the Town Manager may elect to accept infiltration measurements in lieu of exfiltration tests.

If the installation fails any tests, the developer shall at his expense, determine the source of the leakage. He shall then repair or replace all defective materials and/or workmanship.

These tests shall be conducted at all times in the presence of the Town Manager or his authorized representative.

3. PRETREATMENT OF WASTEWATER

3.1 PRETREATMENT FACILITIES
Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all local limits, prohibitions, and requirements set out in Sections 2.4, 2.5, and 2.6 of this Ordinance within the time limitations specified by EPA, the State, or the Selectmen, whichever is more stringent. All facilities required to achieve and maintain compliance shall be provided, operated, and maintained at the user’s expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Selectmen for review, and shall be acceptable to the Selectmen and the MEDEP before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Selectmen under the provisions of this Ordinance.

3.2 ADDITIONAL PRETREATMENT MEASURES
A. Whenever deemed necessary to protect the POTW and determine the user’s compliance with requirements of this Ordinance, the Selectmen may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary.

B. The Selectmen may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An Industrial Discharge Permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided at the owner’s expense when, in the opinion of the CEO and/or LPI, these devices are necessary for the preliminary treatment of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the CEO and/or LPI and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense. The owner shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal, which shall be subject to periodic review by the CEO. Any removal and hauling of the collected materials shall be performed by currently licensed waste disposal firms.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter and alarm.

E. Where pretreatment and flow equalizing facilities are provided or required for any waters or wastes, these devices shall be maintained continuously to ensure satisfactory and effective operation by the owner at his expense.

3.3 ACCIDENTAL DISCHARGE/Slug CONTROL PLANS
At least once every two (2) years, the Selectmen shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Selectmen may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Selectmen may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

A. Description of discharge practices, including non-routine batch discharges;
B. Description of stored chemicals;
C. Procedures for immediately notifying the Selectmen or Superintendent of any accidental or slug discharge, as required by Section 6.3 of this Ordinance; and
D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 POLLUTION PREVENTION PLANS
In accordance with the provision of Sections 2.6 and 10.3 of this Ordinance, the Selectmen may require any person discharging wastes into the POTW to develop and implement, at that person’s own expense a pollution prevention plan. The Selectmen may require users to submit as part of the pollution prevention plan information that demonstrates adherence to the following elements:
A. Management Support. For changes to be effective, the visible support of top management is required. Management’s support should be explicitly stated and include designation of a pollution prevention coordinator, goals, and time frames for reductions in volume and toxicity of waste streams, and procedures for employee training and involvement.

B. Process Characterization. A detailed process waste diagram shall be developed that identifies and characterizes the input of raw materials, the outflow of products, and the generation of wastes.

C. Waste Assessment. Estimates shall be developed for the amount of wastes generated by each process. This may include establishing and maintaining waste accounting systems to track sources, the rates and dates of generation, and the presence of hazardous constituents.

D. Analysis of Waste Management Economics. Waste management economic returns shall be determined based on the consideration of:
   1. Reduced raw material purchased;
   2. Avoidance of waste treatment, monitoring and disposal costs;
   3. Reduction in operations and maintenance expenses;
   4. Elimination of permitting fees and compliance costs; and
   5. Reduced liabilities for employee/public exposure to hazardous chemicals and cleanup of waste disposal sites.

E. Development of Pollution Prevention Alternatives. Current and past pollution prevention activities should be assessed, including estimates of the reduction in the amount and toxicity of waste achieved by identified actions. Opportunities for pollution prevention must then be assessed for identified processes where raw materials become or generate wastes. Technical information on pollution prevention should be solicited and exchanged, both from inside the organization and out.

F. Evaluation and Implementation. Technically and economically feasible pollution prevention opportunities shall be identified and an implementation timetable with interim and final milestones shall be developed. The recommendations that are implemented shall be periodically reviewed for effectiveness.

The review and approval of such pollution prevention plans by the Selectmen shall in no way relieve the user from the responsibilities of modifying facilities as necessary to produce a discharge acceptable to the Selectmen in accordance with the provisions of this Ordinance.

4. INDUSTRIAL DISCHARGE PERMIT APPLICATION

4.1 WASTEWATER CHARACTERIZATION
When requested by the Selectmen or Superintendent, a user must submit information on the nature and characteristics of its wastewater within (60) days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information.

4.2 INDUSTRIAL DISCHARGE PERMIT REQUIREMENT
A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an Industrial Discharge Permit from the Superintendent, except that a significant industrial user that has filed a timely and complete application pursuant to Section 4.4 of this Ordinance may continue to discharge for the time period specified therein.
B. The Selectmen may require other users to obtain Industrial Discharge Permits, or submit an application for an Industrial Discharge Permit, as necessary to execute the purpose of this Ordinance.

C. Any violation of the terms and conditions of an Industrial Discharge Permit shall be deemed a violation of this Ordinance and shall subject the industrial discharge permittee to the enforcement actions set out in Sections 10 through 12 of this Ordinance. Obtaining an Industrial Permit does not relieve a permittee of its obligation to comply with all federal and State pretreatment standards or requirements or with any other requirements of federal, State, and local law.

4.3 DISCHARGE PERMIT REQUEST REQUIREMENT
All industrial users must receive Town approval for any new industrial discharge, or any significant alteration in either flow or waste characteristics, in accordance with the Town’s MEPDES permit. Such approvals shall be obtained in accordance with Section 6.2 of this Ordinance.

4.4 INDUSTRIAL DISCHARGE PERMITTING; EXISTING CONNECTIONS
Any user required to obtain an Industrial Discharge Permit who was discharging wastewater into the POTW prior to the effective date of this Ordinance, and is not currently covered by a valid Industrial Discharge Permit, and who wishes to continue such discharges in the future, shall, within sixty (60) days after the said date, apply to the Superintendent for an Industrial Discharge Permit in accordance with Section 4.7 of this Ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred twenty (120) days of the effective date of this Ordinance except in accordance with an Industrial Discharge Permit issued by the Selectmen.

4.5 INDUSTRIAL DISCHARGE PERMITTING: NEW CONNECTIONS
Any user required to obtain an Industrial Discharge Permit who proposes to begin or recommence discharging into the POTW shall obtain an Industrial Discharge Permit prior to the beginning or recommencing of such discharge. An application for this Industrial Discharge Permit, in accordance with Section 4.7 of this Ordinance, shall be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

4.6 INDUSTRIAL DISCHARGE PERMITTING: CATEGORICAL STANDARDS
Within 120 days subsequent to the effective date of a categorical pretreatment standard, an industrial user subject to such standards shall submit an application for an Industrial Discharge Permit amendment. The application shall contain the information noted under Section 4.7.

4.7 INDUSTRIAL DISCHARGE PERMIT APPLICATION CONTENTS
All users required to obtain an Industrial Discharge Permit, and other users subject to these rules, as required by the Selectmen, shall submit a permit application. The Selectmen may require all users to submit as part of an application the following information. Copies of all documents submitted to the Selectmen shall be submitted simultaneously to the Superintendent.

A. Description of activities, facilities, and production processes on the premises, including a list of all raw materials and chemicals used or stored at the facility that are, or could accidently be discharged to the POTW;
B. A list of all environmental permits held by the facility.
C. Each product produced by type, amount, process or processes, and rate of population;
D. Type and amount of raw materials processed (average and maximum per day);
E. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge and sampling locations;
F. The estimated average, maximum and total daily flow for each discharge and the time and duration of discharges;
G. Copies of existing pollution prevention plans and/or a description of all known pollution prevention opportunities that may exist at the facility;
H. A listing of any proposed or existing discharge of listed or characteristic hazardous waste;
I. In those instances in which the industrial user provides notification of the discharge of hazardous waste, the industrial user shall also provide the following certification: “I certify that (the company) has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree that (the company) has determined to be economically practicable”; and
J. An indication of whether the conditions referenced in the application are existing or proposed; and
K. Any other information as may be deemed necessary by the Selectmen or Superintendent to evaluate the Industrial Discharge Permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

4.8 SIGNATORIES AND CERTIFICATION

All Industrial Discharge Permit applications and user reports shall be signed by an authorized representative of the user and shall contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

4.9 HAULED WASTEWATER PERMITS

A. Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Transport and discharge of such waste shall comply with Section 14.0 of this Ordinance.

B. Discharge to the POTW of hauled industrial waste is not permitted.
5. INDUSTRIAL DISCHARGE PERMIT ISSUANCE PROCESS

5.1 INDUSTRIAL DISCHARGE PERMIT DECISIONS
The Selectmen and the Superintendent will evaluate the data provided by the industrial user and may require additional information. Within thirty (30) days of receipt of a complete Industrial Discharge Permit application (or ninety (90) days in the case of an application for a new or increased discharge requiring review and approval by MEDEP), the Selectmen will determine whether or not to issue an Industrial Discharge Permit. The Selectmen may deny any application for an Industrial Discharge Permit, with just cause.

5.2 INDUSTRIAL DISCHARGE PERMIT DURATION
An Industrial Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An Industrial Discharge Permit may be used for a period less than these intervals at the discretion of the Selectmen. Each Industrial Discharge Permit will indicate a specific date upon which it will expire.

Industrial Discharge Permits shall be terminated upon cessation of operations or transfer of business ownership, unless notification of such transfer is provided in accordance with Section 5.6 of this Ordinance. All Industrial Discharge Permits issued to a particular user are void upon the issuance of a new Industrial Discharge Permit to that user.

5.3 INDUSTRIAL DISCHARGE PERMIT CONTENTS
An Industrial Discharge Permit may include such conditions as are deemed reasonably necessary by the Superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment facility's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Industrial Discharge Permits shall contain:
   1. A statement that indicates Industrial Discharge Permit duration, which in no event shall exceed five (5) years;
   2. A statement that the Industrial Discharge Permit is nontransferable without prior notification to the Town Selectmen and the Superintendent in accordance with Section 5.6 of this Ordinance, and provisions for providing the new owner or operator with a copy of the existing Industrial Discharge Permit;
   3. Effluent limitations based on applicable pretreatment standards and requirements;
   4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants requiring pollution prevention reports and, for pollutants to be monitored, the following: sampling location, sampling frequency, and sample type based on this Ordinance, and State and federal laws, rules and regulations;
   5. For users with reporting requirements, such reports at a minimum shall require:
      a. Periodic monitoring results indicating the nature and concentration of pollutants in the discharge from the regulated processes governed by pretreatment
requirements and the estimated average and maximum daily flow for these process units;
b. A statement as to whether the applicable pretreatment standards and requirements are being met on a consistent basis and, if not, than what additional operation and maintenance practices and/or pretreatment systems are necessary; and
c. Submittal of any monitoring results performed in addition to the requirements of the Industrial Discharge Permit using procedures prescribed in the permit.
6. A description of identified pollution prevention opportunities at the facility, if any;
7. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. This schedule may not extend the time for compliance beyond that required by this Ordinance, applicable State and federal laws, rules and regulations; and
8. A statement that compliance with the Industrial Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable federal and State pretreatment standards, including those that become effective during the term of the Industrial Discharge Permit.

A. Industrial Discharge Permits may contain, but need not be limited to, the following conditions:
1. Limitations on the average and/or maximum rate or discharge, time of discharge, and/or requirements for flow regulation and equalization;
2. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent the accidental, unanticipated, or non-routine discharges;
4. Development and implementation of pollution prevention plans to reduce the amount of pollutants discharged to the POTW;
5. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment; and
7. Other conditions as deemed appropriate be the Selectmen and Superintendent to ensure compliance with this Ordinance, and State and federal laws, rules, and regulations.

5.4 INDUSTRIAL DISCHARGE PERMIT APPEALS
Any person, including the user, may petition the Selectmen to reconsider the terms of an Industrial Discharge Permit within thirty (30) days of its issuance.
A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
B. In its petition, the appellant user must indicate the Industrial Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Industrial Discharge Permit.

C. The effectiveness of the Industrial Discharge Permit shall not be stayed pending the appeal.

D. If the Selectmen fail to act within thirty (30) days, a request for reconsideration shall be deemed to be denied.

E. Aggrieved parties may appeal the conditions if the Industrial Discharge Permit in accordance with Section 16.2 of this Ordinance.

5.5 INDUSTRIAL DISCHARGE PERMIT MODIFICATION
The Selectmen may modify an Industrial Discharge Permit for good cause, including, but not limited to, the following reasons:

A. To incorporate any new of revised federal, State, or local pretreatment standards or requirements;
B. To address significant alterations or additions to the user’s operation, process, or wastewater volume or character since the time of Industrial Discharge Permit issuance;
C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
D. Information indicating that the permitted discharge poses a threat to the Town’s POTW, Town personnel, or the water quality in the receiving waters;
E. Violation of any terms of conditions of the Industrial Discharge Permit;
F. Misrepresentation or failure to fully disclose all relevant facts in the Industrial Discharge Permit application or in any required reporting;
G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
H. To correct typographical errors in the Industrial Discharge Permit; or
I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

5.6 INDUSTRIAL DISCHARGE PERMIT TRANSFER
Industrial Discharge Permits may be transferred to a new owner or operator only if the permittee provides at least sixty (60) days in advance notice to the Selectmen and Superintendent, and the Selectmen approve the Industrial Discharge Permit transfer. The notice to the Selectmen and Superintendent shall include a written certification by the new owner or operator that:

A. States that the new owner and/ or operator has no immediate intent to change the facility’s operations and processes that generate wastewater to be discharged to the POTW;
B. Identifies the specific date on which the transfer is to occur; and
C. Acknowledge full responsibility for complying with the existing Industrial Discharge Permit.

Failure to provide advance notice of transfer shall render the Industrial Discharge Permit void as of the date of facility transfer.

5.7 INDUSTRIAL DISCHARGE PERMIT REISSUANCE
A user with an expiring Industrial Discharge Permit shall apply for reissuance of the Industrial Discharge Permit by submitting a complete permit application, in accordance with Section 4.7 of this Ordinance, a
minimum of sixty (60) days prior to the expiration of the user’s existing Industrial Discharge Permit. An expired permit will continue to be effective and enforceable until the permit is reissued if

A. The industrial user has submitted a complete permit application at least sixty (60) days prior to the expiration date of the user’s existing permit; and
B. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the industrial user.

5.8 REGULATION OF WASTEWATER RECEIVED FROM OTHER JURISDICTIONS
A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Selectmen shall enter into an interlocal agreement with the contributing municipality or user.
B. Prior to entering into an agreement required by paragraph (A), above, the Selectmen shall request the following information from the contributing municipality:
   1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
   2. An inventory of all users located within the contributing municipality that are discharging to the POTW; and
   3. Such other information
C. An inter-municipal agreement, as required by paragraph (A), above, shall contain the following conditions:
   1. A requirement for the contributing municipality to adopt a sewer use ordinance that is at least as stringent as this Ordinance and, if applicable, local limits that ensure that the pollutant loadings allocated to the contributing municipality are not exceeded. The requirement shall specify that such Ordinance and local limits shall be revised as necessary to reflect changes made to the Town’s Ordinance or revisions to the loadings allocated to the contributing municipality;
   2. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
   3. A provision specifying which pretreatment implementation activities, including Industrial Discharge Permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Selectmen or Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Selectmen or Superintendent.
   4. A requirement for the contributing municipality to provide the Town with access to all information that the contributing municipality obtains as part of its pretreatment activities;
   5. Limitations on the nature, quality, and volume of the contributing municipality’s wastewater at the point where it discharges to the POTW;
   6. Requirements for monitoring the contributing municipality’s discharge;
   7. A provision ensuring the Town’s access to the facilities of users located within the contributing municipality’s jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Town; and
8. A provision specifying remedies available for breach of the terms contained within the agreement.

9. If another municipality contributes wastewater to the POTW, they shall be responsible for its waste and to defend and indemnify the Town for all claims arising out of the contributing municipality’s waste.

D. Intermunicipal agreements may be subject to approval by MEDEP.

6. REPORTING REQUIREMENTS

6.1 PERIODIC COMPLIANCE REPORTS
A. All significant industrial users shall, at a frequency determined by the Superintendent but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge that are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with Section 4.8 of this Ordinance.

B. All wastewater samples must be representative of the user’s discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to maintain its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Superintendent, using the procedures prescribed in Section 6.8 of this Ordinance, the results of this monitoring shall be included in the report.

6.2 REPORTS OF CHANGED CONDITIONS
Each industrial user shall notify Selectmen and the Superintendent of any planned significant changes to the user’s operations or system that might alter the nature, quality, or volume of its wastewater at least ninety (90) before the change.

A. The Selectmen may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submittal of an Industrial Discharge Permit application under Section 4.7 of this Ordinance.

B. Upon approval of the Discharge Permit Request by the Selectmen, the Selectmen may issue an Industrial Discharge Permit under Section 5.1 of this Ordinance or modify an existing Industrial Discharge Permit under Section 5.5 of this Ordinance in response to changed conditions or anticipated changed conditions.

6.3 REPORTS OF SLUG/POTENTIALLY ADVERSE DISCHARGES
A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause adverse impacts to the POTW, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include identifying the location of the discharge, type of waste, concentration and volume, if known, and corrective actions conducted by the user.
B. Within five (5) days following such discharge, the user shall, unless waived by the Superintendent, submit to the Selectmen and Superintendent a detailed written report describing the cause(s) of the discharge and the measures to be conducted by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability that may be incurred as a result of damage to the POTW, natural resources, or any other damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability that may be imposed pursuant to this Ordinance.

C. A notice shall be permanently posted on the user's employee bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (A), above. Employers shall ensure that all employees who may cause such a discharge to occur or who may be present when a discharge occurs are advised of the emergency notification procedure.

6.4 REPORTS FROM UNPERMITTED USERS
All users not required to obtain an Industrial Discharge Permit shall provide appropriate reports to the Selectmen as the Selectmen may require.

6.5 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING
If the results of sampling performed by a user indicate a violation, the user shall notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Selectmen and Superintendent within thirty (30) days subsequent to becoming aware of the violation. The user is not required to resample if the user or the Superintendent monitors at the user’s facility at least once a month, or if the Superintendent samples between the user’s initial sampling and when the user receives the results of this sampling.

6.6 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE

A. A user, if at all possible, must give prior notification to the Town Manager. Any user who commences the discharge of hazardous waste shall notify the Selectmen and the Superintendent, in writing, of any discharge into the POTW of a substance that, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges in excess of one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications shall occur no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph shall be submitted only once for each hazardous waste discharged. However, notifications of changed conditions shall be submitted under Section 6.5 of this Ordinance.
notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards.

B. Dischargers are exempt from the requirements of paragraph (A), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30 (d) and 261.33 (e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

C. In the case of any new regulations under Section 3001 of the federal Resource Conservation and Recovery Act (RCRA) identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user shall notify the Selectmen, the EPA Regional Waste Management Waste Division, and MEDEP of the discharge of such substance within ninety (90) days of the effective date of such regulations.

D. In the case of any notification made under this section, the user may certify that it has implemented a Pollution Prevention Plan as described in Section 3.4 of this Ordinance to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically and technologically.

E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder, or any applicable federal and State laws, rules and regulations.

6.7 ANALYTICAL REQUIREMENTS
All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, using the method specified by the Selectmen if applicable, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses shall be performed in accordance with procedures approved by the Selectmen and Superintendent.

6.8 SAMPLE COLLECTION

A. Except as indicated in Paragraph (B), below, the user shall collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Superintendent may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to demonstrate compliance with instantaneous discharge limitations (e.g., screening levels established to protect worker health and safety). A single grab sample may also be used in place of a composite sample with approval of the Superintendent when:

1. The effluent is not discharged on a continuous basis (i.e., batch discharges of short duration), and only when the batch exhibits homogenous characteristics (i.e., completely mixed) and the pollutant can be safely assumed to be uniformly dispersed;
2. Sampling a facility where a statistical relationship can be established between previous grab samples and composite data; and
3. The waste conditions are relatively constant (i.e., are completely mixed and homogeneous) over the period of the discharge.

B. Samples for temperature, pH, oil, and grease, phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques.

6.9 TIMING
Written reports will be deemed to have been submitted on the date postmarked. For reports that are not mailed, the date of receipt of the report by the person designated in the Industrial Discharge Permit shall govern.

6.10 RECORD KEEPING
Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact location, method, and time of sampling, and the name of the person(s) obtaining the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Town, or where the user has been specifically of a longer retention period by the Selectman and Superintendent. Before destroying the records, the industrial user shall request and receive permission from the Selectmen and Superintendent.

7. POWERS AND AUTHORITIES OF INSPECTORS

7.1 COMPLIANCE MONITORING
The Town shall investigate instances of noncompliance with the industrial pretreatment standards and requirements.

The Town shall, as necessary, sample and analyze the wastewater discharges of contributing users and conduct surveillance and inspection activities to identify, independently of information supplied by such users, occasional and continuing noncompliance with industrial pretreatment standards. Each industrial user will be billed directly for costs incurring for analysis if its wastewater.

7.2 RIGHT OF ENTRY: INSPECTION AND SAMPLING
All industrial users discharging to the Town’s POTW shall allow unrestricted access during normal business hours (except when the Town is responding to an emergency) by Town, Superintendent, State and EPA personnel (“Inspector(s)”) for the purpose of determining whether the user is complying with all requirements of this Ordinance, and any Industrial Discharge Permit or order issued hereunder. Users shall allow the Inspector(s) ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
A. If a user has security measures in force that require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Inspector(s) will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Inspector(s) shall have the right to set up on the user’s property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user’s operations.

C. The Inspector(s) may require the user to install monitoring equipment as necessary. The facility’s sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually to ensure accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Inspector(s) and shall not be replaced. The costs of clearing such access shall be borne by the user.

E. Unreasonable delays in allowing the Inspector(s) access to the user’s premises shall be a violation of this Ordinance.

F. The Inspector(s) is authorized to obtain information concerning industrial processes that have a bearing on the kind or source of discharge to the public sewer. The industrial user may request that the information in question not be disclosed to the public in accordance with Section 8 of this Ordinance. The information in question shall be made available upon written request to governmental agencies for uses related to this Ordinance, the MEPDES permit, or the pretreatment program. The burden of proof that information should be held confidential rests with the user. However, information regarding wastewater discharge by the user (flow, constituents, concentrations, and characteristics) shall be available to the public without restriction.

G. While performing the necessary work on private properties referred to in this Section, the Inspector(s) shall observe all safety rules applicable to the premises established by the user.

H. The Inspector(s) shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the POTW lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

7.3 ADMINISTRATIVE INSPECTIONS WARRANT
If the Selectmen, or other agent duly authorized by the Town, has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Town may seek issuance of an Administrative Inspection Warrant from the Oxford County District Court.
8. CONFIDENTIAL INFORMATION/PUBLIC PARTICIPATION

8.1 CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, Industrial Discharge Permit Applications, Industrial Discharge Permits, and monitoring programs, and from the Town’s inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Selectmen, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report that might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the MEPDES program or pretreatment program, and in enforcement proceedings involving the person provided the report. Wastewater constituents and characteristics and other “effluent data” as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

8.2 PUBLIC PARTICIPATION

The Town shall comply with the public participation requirements of 40 CFR Part 25.

9. PUBLICATION OF POLLUTION PREVENTION ACHIEVEMENTS

The Selectmen may publish annually, in the largest daily newspaper circulated in the Town, a list of users whom during the previous twelve (12) months, demonstrated a commitment to reducing the volume and toxicity of waste discharges. All pollution prevention efforts, not just those affect wastewater discharges, are subject to recognition. The following criteria will be used to identify published users:

A. Innovative ideas the facility has used to implement process changes that eliminate or reduce the volume or toxicity of waste generated;
B. The percentage of the facility’s process water reused within the system or process;
C. The percentage of the facility’s potential waste reused within the system or process;
D. Implementation of employee pollution prevention training and communication programs;
E. Voluntary performance of pollution prevention audits;
F. Spill control procedures/devices (e.g., secondary containment) the facility implements to prevent accidental chemical spills from entering the sewer system; and
G. The environmental and/or economic benefits or successes derived from implementing pollution prevention methods.

The intent of the publication is to notify local consumers of the environmental responsiveness of local businesses, and to encourage industrial users to identify and implement opportunities for preventing
pollution. As part of this publication, the Town shall provide an evaluation of the impact of these changes to the POTW, and summarize the current status of pollutant loadings to the POTW and goals established by the POTW for pollution prevention efforts.

10. ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 NOTIFICATION OF VIOLATION
When the Code Enforcement Officer determines that a user has violated, or continues to violate any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, the Code Enforcement Officer may serve a verbal or written Notice of Violation to the user. Within the time period specified in the violation notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the user to the Code Enforcement Officer. Submittal of this plan in no way relieves the user of liability for any violations occurring before or subsequent to receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Code Enforcement Officer to take any action, including emergency actions or any other enforcement action, without initially issuing a Notice of Violation.

10.2 COMPLIANCE SCHEDULE DEVELOPMENT
The Selectmen may require any user that has violated or continues to violate any provision of this Ordinance an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, to develop a compliance schedule. A compliance schedule pursuant to this section shall comply with the following conditions:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards including, but not limited to, retaining an engineer, completing preliminary and final design plans, executing contracts for major components, commencing and completing construction, and beginning the conducting routine operation;
B. No increment referred to above shall exceed nine (9) months;
C. The user shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance which identifies as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the action being taken by the user to return to the established schedule; and
D. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

10.3 POLLUTION PREVENTION PLAN DEVELOPMENT
The Selectmen may require any user that has violated or continues to violate any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, to develop a pollution prevention plan in accordance with Section 4.4 of this Ordinance. The pollution prevention plan must specifically address violation(s) for which this action was undertaken. The pollution prevention plan shall be developed using good engineering
judgment and shall be submitted to the Selectmen no later than sixty (60) days after the user was notified of this requirement.

10.4 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE
The Selectmen shall publish annually, in the largest daily newspaper circulated in the Town where the POTW is located, a list of the users that, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements.

10.5 SHOW CAUSE ORDERS
The Selectmen may order a user that has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Selectmen and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, executing any other action against the user.

10.6 CEASE AND DESIST ORDERS
When the Selectmen determines that a user has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user’s past violations are likely to recur, the Selectmen may issue an order to the user directing it to cease and desist all such violations and directing the user to:

A. Immediately comply with all requirements; and
B. Implement such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.7 CONSENT ORDERS
The Board of Selectmen is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents established an agreement with any user responsible for noncompliance. Such orders shall include specific action to be taken by the user to correct the noncompliance within a period of time also specified by the order. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment systems, additional self-monitoring, and management practices. Such orders shall have the same force and effect as administrative orders issued pursuant to Section 10.5 and 10.6 of this Ordinance and shall be judicially enforceable. The Town may still take
action for the violation that has occurred.

10.8 INDUSTRIAL DISCHARGE PERMIT TERMINATION
Any industrial user who violates the following conditions of this Ordinance or a wastewater discharge permit or order, or any applicable State of federal law, is subject to permit termination:

A. Violation of permit conditions;
B. Failure to accurately report the wastewater constituents and characteristics of its discharge.
C. Failure to report significant changes in operations or wastewater constituents and characteristics; or
D. Refusal of reasonable access to the user’s premises for the purpose of inspection, monitoring, or sampling.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.5 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Selectmen shall not be a bar to, or a prerequisite for, taking any other action against the user.

10.9 TERMINATION OF DISCHARGE
In addition to the provisions in Section 10.8 of this Ordinance, any user who violates the following conditions is subject to discharge termination:

A. Violation of Industrial Discharge Permit conditions;
B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
D. Refusal of reasonable access to the user’s premises for the purpose of inspection, monitoring, or sampling; or
E. Violation of the pretreatment standards in Section 2 of this Ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.5 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Selectmen shall not be a bar to, or a prerequisite for, taking any other action against the user.

10.10 EMERGENCY SUSPENSIONS
The Selectmen may immediately suspend a user’s discharge, subsequent to informal notice to the user, whenever such suspension is necessary to terminate an actual or threatening discharge that reasonably appears to be present or cause an imminent or substantial endangerment to the health or welfare of POTW personnel or the public. The Selectmen many also immediately suspend a user’s discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or that presents, or may present, endangerment to the environment.
A. Any user notified of a suspension of its discharge shall immediately terminate or eliminate its wastewater discharge. In the event of a user’s failure to immediately comply with the suspension order, the Selectmen may implement such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Selectmen may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Selectmen and Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 10.8 or 10.9 of this Ordinance are initiated against the user.

B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures implemented to prevent any future occurrence, to the Selectmen prior to the date of any show cause or termination hearing under Section 10.5, 10.8 or 10.9 of this Ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspensions under this section.

10.11 RECOVERY OF EXPENSES
Any person or industrial user violating any of the provisions of this Ordinance shall be liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation including attorney’s fees and costs. If the Selectmen or Board of Selectmen shall have caused the disconnection of a drain from a public sewer, the Town may collect the expenses associated with completing the disconnection from any person or user responsible for, or willfully concerned in, or who profited by such violation. The Town may thereafter refuse to permit the restoration of the former connection or of any new connection to the property concerned in the violation until the claim of the Town for the cost of completing such disconnection shall have been paid in full plus interest and the reasonable cost of any legal expenses incurred by the Town in connection therewith.

10.12 HARM TO TOWN PROPERTY
No person shall maliciously, willfully, or negligently damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is part of the public sewerage system. Any person violating this provision shall be subject to penalty under State and Federal statutes.

11. JUDICIAL ENFORCEMENT REMEDIES

11.1 INJUNCTIVE RELIEF
When the Town determines that a user has violated, or continues to violate, any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, the Town may petition the Oxford County Superior Court through the Town’s Attorney for the issuance of a temporary or permanent injunction, as appropriate, that restrains or compels the specific performance of the Industrial Discharge Permit, order, or other requirement imposed by this Ordinance on activities of the user. The Town may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, implementing any other action
against a user. The Town shall recover attorney’s fees and costs for any Court action required to enforce this document.

11.2 CIVIL PENALTIES
A. A user who has violated, or continues to violate, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Town for a maximum civil penalty of up to $10,000 per violation, per day, plus actual damages incurred by the POTW. In case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
B. The Town may recover reasonable attorneys’ fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town. The Town shall petition the Court to impose, assess, and recover such sums.
C. In determining the amount of civil liability, the Court shall consider all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user’s violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
D. Filing a suit for civil penalties shall not be a bar against, or prerequisite for implementing any other action against a user.

11.3 CRIMINAL PROSECUTION
Any person of industrial user who willfully or negligently violates any provision of this Ordinance or any orders or permits issued hereunder shall, upon conviction, be guilty of a violation, punishable by a fine not to exceed $10,000 for each violation. Every separate provision violated shall constitute a separate violation. Every day that a violation occurs shall be deemed a separate violation.

11.4 NONEXCLUSIVE REMEDIES
The remedies provided for in this Ordinance are not exclusive. The Town may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the Town’s enforcement response plan. However, the Town may pursue other action against any user without limitation, including ex parte temporary judicial relief to prevent a violation of this Ordinance. Further, the Town is empowered to pursue more than one enforcement action against any non-compliance user.

12. SUPPLEMENTAL ENFORCEMENT ACTION

12.1 PERFORMANCE BONDS
The Selectmen may decline to issue or reissue an Industrial Discharge Permit to any user who has failed to comply with any provision of this Ordinance, a previous Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the Town, in a sum not to exceed a value determined by the Selectmen to be necessary to achieve consistent compliance.
12.2 LIABILITY INSURANCE
The Selectmen may decline to issue or reissue an Industrial Discharge Permit to any user who has failed to comply with any provision of this Ordinance, a previous Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12.3 PUBLIC NUISANCES
A violation of any provision of this Ordinance, an Industrial Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Selectmen. Any person(s) creating a public nuisance shall be subject to the provisions of the Town Code governing such nuisances, including reimbursing the Town for any costs incurred in removing, abating, or remedying said nuisance.

12.4 CONTRACTOR LISTING
Users that have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the Town. Existing contracts for the sale of goods or services to the Town held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Selectmen.

13. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS
13.1 UPSET
A. For the purposes of this section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards due to factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with pretreatment standards if the requirements of paragraph (C), below, are met.

C. A user who intends to establish the affirmation defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
   1. An upset occurred and the user can identify the cause(s)
   2. At the time of the upset, the facility was operated in a prudent and workman like manner and in compliance with applicable operation and maintenance procedures; and
   3. The user has submitted the following information to the Superintendent within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
      a. A description of the discharge and cause of noncompliance;
      b. The period of noncompliance, including exact dates and times or, if not corrected, the amount of time the noncompliance is expected to continue; and
c. Action being implemented and or/planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with pretreatment standards.

F. Users shall control all discharges to the extent necessary to maintain compliance with pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

13.2 PROHIBITED DISCHARGE STANDARDS
A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.4(A) of this Ordinance or the specific prohibitions in Section 2.4(B) of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

B. No local limit exists, but the discharge did not change substantially in nature of constituents from the user’s prior discharge when the Town was regularly in compliance with its MEPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

13.3 BYPASS
A. For the purposes of this section,
   1. “Bypass” means the intentional diversion of waste streams from any portion of a user’s treatment facility.
   2. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A user may allow any bypass to occur that does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.

C. 1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, at least ten (10) days before the date of the bypass, if possible.

   2. A user shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five
(5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the amount of time it is expected to continue; and steps implemented or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. 1. Bypass is prohibited, and the Selectmen may initiate enforcement action against a user for a bypass, unless:
   a. Bypass was required to prevent loss of life, personal injury, or severe property damage;
   b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
   c. The user submitted notices as required under paragraph (C) of this section.

2. The Selectmen may approve an anticipated bypass, subsequent to considering its adverse effects, if the Superintendent determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

14. SEWER USER CHARGES

14.1 AUTHORIZATION
The Selectmen is hereby authorized to establish, alter from time to time, and upon persons owning land served by drains and sewers heretofore or hereafter constructed a service charge for the use and for the services furnished by such drains and sewers.

The Selectmen is hereby authorized to establish, alter from time to time, and upon persons owning land adjacent to, but not connected to, an available public sanitary sewer access a Standby Fee for making the service available and for capacity development at the POTW such that the system is “ready to serve” said property.

14.2 COMPLIANCE WITH FEDERAL AND STATE REGULATIONS
The user charge system shall comply with appropriate federal and State rules and regulations pertaining to the costs associated with the use of the sewers.

14.3 BILLINGS
Sewer service charges shall be billed quarterly. An interest charge at the same rate established by the Town’s legislative Body (Annual Town Meeting) for uncollected taxes will be made on all bills not paid within 120 days after the date of billing.
14.4 SEWER SERVICE CHARGE RATE
In general, sewer service charge rates will be determined on a rate structure based on the following:

A. Residential User: a base rate sewer charge plus a usage fee based on water consumption.
B. Commercial/Industrial/Governmental: a base rate sewer charge plus a usage fee based on water consumption.

14.5 SPECIAL CHARGES
A special sewer service charge and industrial cost recovery charge shall be established for any industrial firm or organization which contributes process wastewater to the public sewer system. Such charges shall comply with appropriate federal and State rules and regulations pertaining to the costs associated with the use of the sewer by an industry. The Selectmen shall establish such special sewer service charge and cost recovery charge to the industrial firm by separate agreement with said firm.

14.6 SEWER FEES AND ADJUSTMENTS

A. Standby fee.
   1. A Standby Fee is an assessment that is charged to any new dwelling adjacent to, but not connected to, an existing available public sanitary sewer system, and to any improved and unimproved properties adjacent to, but not connected to, a new available public sanitary sewer. The term “available” is defined in Section 2.1 (I) and the term “new” is defined in Section 1.4 (A.38) of this Ordinance. The fee ensures that adequate sewer service will be available for that parcel when needed. A Standby Fee shall apply in the following situations:
   2. The Standby Fee shall be the source of a portion of the revenue for retiring debt services and for capital expenditures, operation and maintenance of the public sewage works. Such fee shall be deemed a “ready to serve” charge levied to aid in defraying expense incurred in making service available to the property.
   3. The Standby fee will be half of minimum base rate sewer service charge.

B. Inflow Fee. Owner(s) in violation of Section 2.2(L) of this Ordinance shall be assessed two hundred dollars ($200) annually (or fifty dollars ($50) per quarter). Imposition of this fee shall not limit the Town’s authority to prosecute criminal violations or seek an injunction in court ordering the person to disconnect the nonconforming connection to the public sanitary sewer.

C. Leak Adjustment: When the Town has received satisfactory evidence from the customer that the metered water and sewer consumption represented by the sewer bill is in excess of one and a half times the 12 month average water and sewer consumption for that customer, and that reason for the increase in metered consumption is a leak, then a leak adjustment is authorized. The amount of the leak adjustment is the amount necessary to adjust the customer’s sewer charge to an amount based on one and a half times the 12-month average sewer consumption. Customers are eligible for a leak adjustment under this policy only once every 12 months.
D. Abatement of Sewer Charge: Abatements for use of water for lawn sprinklers, garden hoses, or other uses of significant volumes of water, including swimming pools, which do not enter the public sewer, may be made on application to the Town. The request must be made within 30 days of the bill date on the Town of Oxford Sewer Abatement Request Form. The bill must be paid before any abatement will be considered. The minimum threshold for abatement is 1000 cubic feet above the base consumption. The adjusted billing determined shall not be less than the highest billing or adjusted billing during the previous three billings. No more than one adjustment can be given in one calendar year. The Town shall require verification of the significant sewer usage which is cause for abatement. The Town may require the use of a meter on the external water source. The Board of Selectmen shall approve or deny abatements.

15. Validity

A. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
B. The validity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance that can be given effect without such valid part or parts.

16. INTERPRETATION OF REQUIREMENTS

16.1 INTERPRETATION
The provisions of this Ordinance with respect to the meaning of technical terms and phrases, the classification of different types of sewers, the regulations with respect to making connections to sewers or drains, and other technical matters shall be interpreted and administered by the Board of Selectmen acting in and for the Town of Oxford, Maine.

16.2 APPEALS
Any party aggrieved by any decision, regulation or provision under this Ordinance, as amended, from time to time, shall have the right of appeal within thirty (30) calendar days of said decision to the Selectmen, who shall issue a decision within thirty (30) calendar days. If said appeal is denied by the Selectmen, the aggrieved party shall have the right to appeal to the Oxford County Superior Court, provided that the said appeal is entered within thirty (30) calendar days from the issuance of the decision of the Selectmen.
# SHORELAND ZONING ORDINANCE

FOR

THE MUNICIPALITY OF OXFORD

Adopted

June 21, 2008

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SHORELAND ZONING ORDINANCE

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

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

3. Applicability. This Ordinance applies to all land areas within 250 feet, horizontal distance, of the

- normal high-water line of any great pond or river, or
- upland edge of a freshwater wetland,

and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

4. Effective Dates

A. Effective Date of Ordinance and Ordinance Amendments. This Ordinance, which was adopted by the municipal legislative body on June 21, 2008 shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

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

B. Section 15(P). Section 15(P) shall be repealed on the statutory date established under 38 M.R.S.A. Section 438-B (5), at which time the statewide standards shall apply to timber harvesting and timber harvesting activities. Beginning on the effective date of the statewide standards, the Department of Conservation, Bureau of Forestry will administer and enforce those standards within the Municipality of Oxford.

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

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

7. Conflicts with Other Ordinances. Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.

8. Amendments. This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

9. Districts and Zoning Map

A. Official Shoreland Zoning Map. The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map which is made a part of this Ordinance:

(1) Resource Protection
(2) Shoreland Residential
(3) General Development I
(4) General Development II
(5) Stream Protection

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

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

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

10. Interpretation of District Boundaries. Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Sources of the delineation of the Resource Protection District comprised of the 100 year floodplain along the Little Androscoggin River shall be the most recent Federal Emergency Management Agency maps.

Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

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


A. Purpose. It is the intent of this Ordinance to promote land uses conformities, except that legally existing non-conforming conditions that existed before March 11, 1995 shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General

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

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

C. Non-conforming Structures

(1) Expansions. A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.

(a) After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12(C)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.

(b) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be
placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(2) Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure unless 4’ or more of any part of the foundation (including any kneewalls) remains exposed above the finished grade.

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

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

(a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.
Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

(b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

(c) If the completed foundation for a non-conforming, relocated structure does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure unless 4’ or more of any part of the foundation (including any kneewalls) remains exposed above the finished grade. When a structure is relocated onto a foundation,

(3) Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced (including the foundation) so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. (See Appendix A.) If the total amount of floor area and volume (including the foundation) of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove
vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(2) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 12(C)(2) above, the physical condition and type of foundation present, if any.

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

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

D. Non-conforming Uses

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

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

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

E. Non-conforming Lots

(1) Non-conforming Lots: A legally existing non-conforming lot of record as of March 11, 1995 may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

(2) Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record as of March 11, 1995, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

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

(3) Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record as of March 11, 1995, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of
which is non-conforming, owned by the same person or persons on March 11, 1995 and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

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

(b) Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

13. Establishment of Districts

A. Resource Protection District. The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the General Development Districts shall not be included within the Resource Protection District.

(1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph “wetlands associated with great ponds and rivers” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river.

(2) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.
(3) Areas of two or more contiguous acres with sustained slopes of 20% or greater.

(4) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater as defined, and which are not surficially connected to a water body during the period of normal high water.

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

**B. Shoreland Residential District.** The Shoreland Residential District includes those areas suitable for residential development. It includes areas other than those in the Resource Protection District (unless developed prior to March 11, 1995), or Stream Protection District, and areas which are used less intensively than those in the General Development Districts.

**C. General Development I District.** The General Development I District (on the easterly side of the Thompson Lake outlet stream) includes the following types of existing, intensively developed areas:

1. Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
   
   a. Areas devoted to marina and related service and warehousing activities; and
   
   b. Areas devoted to recreational development and activities.

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

3. Portions of the General Development I District may also include residential development. However, no area shall be designated as a General Development I District based solely on residential use.

4. In areas adjacent to great ponds and adjacent to rivers flowing to or from great ponds, the designation of an area as General Development I District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established General Development I Districts or expansions in area of existing General Development I Districts adjacent to great ponds and adjacent to rivers that flow to or from great ponds.
D. General Development II District. The General Development II District (on the westerly side of the Thompson Lake outlet stream) includes the same types of areas as those listed for the General Development I District. The General Development II District shall be applied to newly established General Development Districts where the pattern of development at the time of adoption is undeveloped or not as intensively developed as that of the General Development I District.

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

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

Key to Table 1:

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

No - Prohibited

PB - Allowed with permit issued by the Planning Board.

CEO - Allowed with permit issued by the Code Enforcement Officer

LPI - Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

SP - Stream Protection RP - Resource Protection

SR - Shoreland Residential GD- General Development I & II

**TABLE 1. LAND USES IN THE SHORELAND ZONE**
**LAND USES DISTRICT**

**SP RP SR GD**

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>2. Motorized vehicular traffic on existing roads and trails</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>3. Forest management activities except for timber harvesting &amp; land management roads</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>4. Timber harvesting</td>
<td>yes</td>
<td>CEO</td>
<td>yes</td>
</tr>
<tr>
<td>5. Clearing or removal of vegetation for activities other than timber harvesting</td>
<td>CEO</td>
<td>CEO1</td>
<td>yes</td>
</tr>
<tr>
<td>6. Fire prevention activities</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>7. Wildlife management practices</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>8. Soil and water conservation practices</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>9. Mineral exploration</td>
<td>no</td>
<td>yes2</td>
<td>yes2</td>
</tr>
<tr>
<td>10. Mineral extraction including sand and gravel extraction</td>
<td>no</td>
<td>PB3</td>
<td>PB</td>
</tr>
<tr>
<td>11. Surveying and resource analysis</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>12. Emergency operations</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>13. Agriculture</td>
<td>yes</td>
<td>PB</td>
<td>yes</td>
</tr>
<tr>
<td>14. Aquaculture</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>15. Principal structures and uses</td>
<td>PB4</td>
<td>PB8</td>
<td>CEO</td>
</tr>
<tr>
<td>A. One and two family residential, including driveways</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. Multi-family dwellings</td>
<td>no</td>
<td>no</td>
<td>PB</td>
</tr>
<tr>
<td>C. Commercial</td>
<td>no</td>
<td>no9</td>
<td>no9</td>
</tr>
<tr>
<td>D. Industrial</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>E. Governmental and institutional</td>
<td>no</td>
<td>no</td>
<td>PB</td>
</tr>
<tr>
<td>F. Small non-residential facilities for educational, scientific, or nature interpretation purposes</td>
<td>PB4</td>
<td>PB</td>
<td>CEO</td>
</tr>
<tr>
<td>16. Structures accessory to allowed uses</td>
<td>PB4</td>
<td>PB</td>
<td>CEO</td>
</tr>
</tbody>
</table>
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland

<table>
<thead>
<tr>
<th></th>
<th>CEO10</th>
<th>CEO10</th>
<th>CEO10</th>
<th>CEO10</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
</tbody>
</table>

a. Temporary

b. Permanent

18. Conversions of seasonal residences to year-round residences

<table>
<thead>
<tr>
<th></th>
<th>LPI</th>
<th>LPI</th>
<th>LPI</th>
<th>LPI</th>
</tr>
</thead>
</table>

19. Home occupations

|   | PB    | PB    | PB    | PB    |

20. Private sewage disposal systems for allowed uses

<table>
<thead>
<tr>
<th></th>
<th>LPI</th>
<th>LPI</th>
<th>LPI</th>
<th>LPI</th>
</tr>
</thead>
</table>

21. Essential services

|   | PB5   | PB5   | PB    | PB    |

A. Roadside distribution lines (34.5kV and lower)

|   | CEO5  | CEO5  | yes11 | yes11 |

B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone

|   | PB5   | PB5   | CEO   | CEO   |

C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone

|   | PB5   | PB5   | PB    | PB    |

D. Other essential services

|   | PB5   | PB5   | PB    | PB    |

22. Service drops, as defined, to allowed uses

|   | yes   | Yes   | yes   | yes   |

23. Public and private recreational areas involving minimal structural development

|   | PB    | PB    | PB    | CEO   |

24. Individual, private campsites

|   | CEO   | CEO   | CEO   | no    |

25. Campgrounds

|   | no    | no6   | PB    | no    |

26. Road construction

|   | PB    | no7   | PB    | PB    |

27. Land management roads

|   | yes   | PB    | yes   | yes   |

28. Parking facilities

|   | no    | no6   | PB    | PB    |

29. Marinas

|   | PB    | No    | PB    | PB    |

30. Wastewater treatment facility

|   | no    | no    | no    | PB    |

31. Hydropower generation facility

|   | no    | no    | no    | PB    |

32 Filling and earth moving < 10 cubic yards

|   | CEO   | CEO   | yes   | yes   |

33 Filling and earth moving > 10 cubic yards

|   | PB    | PB    | CEO   | CEO   |

34 Signs

|   | yes   | yes   | yes   | yes   |

35. Uses similar to allowed uses

|   | CEO   | CEO   | CEO   | CEO   |
36. Uses similar to uses requiring a CEO permit

37. Uses similar to uses requiring a PB permit

1 In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

2 Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

3 In RP not allowed in areas so designated because of wildlife value.

4 Provided that any setback variance, if required, is obtained from the Board of Appeals.

5 See further restrictions in Section 15(M)(2).

6 Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.

7 Except as provided in Section 15(I)(3).

8 Single family residential dwellings and accessory structures may be allowed by special exception only according to the provisions of Section 16(E), Special exceptions. Two-family and multi-family dwellings are prohibited.

9 Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

10 Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

11 Permit not required but must file a written “notice of intent to construct” with CEO.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;

B. Draining or otherwise dewatering;

C. Filling, including adding sand or other material to a sand dune; or

D. Any construction or alteration of any permanent structure.

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

A. Minimum Lot Standards

MINIMUM Lot Area Frontage (ft) (sq ft) Road Shore

(1) (a) Residential per Dwelling Unit
(i) Within the Shoreland Residential 40,000 200 200
(ii) Within the Resource and Stream Protection 80,000 200 200
(iii) Within the General Development I and II 4,000 501 2001

(b) Other than Residential per Principal Structure 80,000 2001 2001

1 Except as provided in (5), below

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

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

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

(5) If more than one residential dwelling unit, principal structure (commercial, industrial or recreational), or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use, provided that the road and shore frontage requirements within the General Development I and II Districts shall apply to the the parcel as a whole rather than to each dwelling unit, principal structure or use.

NOTE: Clustered housing within the shoreland zone shall meet overall dimensional requirements, including frontage and lot area per dwelling unit. When determining whether dimensional requirements are met, only land area within the shoreland zone shall be considered.

B. Setback Standards Table

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Setbacks</th>
<th>Road1,2</th>
<th>Side (ft.)</th>
<th>Rear (ft.)</th>
<th>Maximum Lot (feet)</th>
<th>Coverage</th>
</tr>
</thead>
</table>

1,2 Road1,2 Side (ft.) Rear (ft.) Maximum Lot (feet) Coverage
Resource Protection 50 15 15 10%
Shoreland Residential 50 15 15 20%
General Development I 50 15 15 70%
General Development II 50 15 15 50%
Stream Protection NA NA NA 10%

1 Setbacks from public roads or streets shall be measured from the edge of the right-of-way, and setbacks from privately owned roads shall be measured from the middle of the traveled way except in the General Development Districts, where setbacks in all cases are measured from the edge of the road pavement provided no structures (other than sidewalks and utilities) may be permitted within the right-of-way.

2 Road and Side Setbacks may be reduced by the Planning Board in keeping with historical development on adjacent and nearby lots and where necessary to minimize the non-conformance of the expansion, relocation or reconstruction of a non-conforming structure in accordance with C. (1), (2) or (3), above. Any setback reductions shall be consistent with public safety.

3 Where nonresidential new general development abuts residential areas, there will be an additional 25 foot landscaped buffer on the side abutting the residential use.

4 Not applicable.

C. Principal and Accessory Structures

(1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds and rivers that flow to great ponds, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development I District the setback from the normal high-water line shall be at least twenty five (25) feet, horizontal distance, and the General Development II District the setback from the normal high water line shall be at least one hundred (100) feet horizontal distance. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.
In addition:

(a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

(b) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area or eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure. A tributary stream may be perennial or intermittent. Where a tributary stream is present within the shoreland zone, setback standards from that tributary stream are applicable.

(c) The Planning Board may increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this ordinance. Instances where a greater setback may be appropriate include, but are not limited to: areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

(2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Shoreland Residential, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

(3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.
(4) The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone, including land area previously developed, shall not exceed the maximum lot coverages listed in Section 15.B, above. Compliance with this paragraph shall be determined based on the area of the lot, or portion thereof, located within the shoreland zone.

(5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

(a) The site has been previously altered and an effective vegetated buffer does not exist;

(b) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;

(c) The site where the retaining wall will be constructed is a legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

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

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

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

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

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

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

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

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

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

If the wall and associated soil disturbance occurs within 75 feet, horizontal distance, of a water body, tributary stream or coastal wetland, a permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection.

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

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

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

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

(3) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.

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

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

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

(8) Except in the General Development Districts, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C.

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

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

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

F. Individual Private Campsites. Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

(1) One campsite per lot existing on March 11, 1995, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
(2) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond or river flowing to a great pond, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

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

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

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

(1) Auto washing facilities,

(2) Auto or other vehicle service and/or repair operations, including body shops,

(3) Chemical and bacteriological laboratories,

(4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms and amounts normally associated with permitted uses and stored in accordance with applicable law and best management practices,

(5) Commercial painting, wood preserving, and furniture stripping,
(6) Dry cleaning establishments,

(7) Electronic circuit assembly,

(8) Laundromats, unless connected to a sanitary sewer,

(9) Metal plating, finishing, or polishing,

(10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas,

(11) Photographic processing, and

(12) Printing.

H. Parking Areas

(1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that the setback requirement for parking areas serving public boat launching facilities in Districts other than the General Development Districts shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

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

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

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

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

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

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

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

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

Roads or driveways located between two water bodies such that the above setbacks are not possible shall be set back to the greatest extent practicable from both water bodies as determined by the Planning Board.

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

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

(4) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in
accordance with the provisions for erosion and sedimentation control contained in Section 15(R).

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

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

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

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

<table>
<thead>
<tr>
<th>Grade</th>
<th>Spacing</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2</td>
<td>250</td>
</tr>
<tr>
<td>3-5</td>
<td>200-135</td>
</tr>
<tr>
<td>6-10</td>
<td>100-80</td>
</tr>
<tr>
<td>11-15</td>
<td>80-60</td>
</tr>
<tr>
<td>16-20</td>
<td>60-45</td>
</tr>
<tr>
<td>21+</td>
<td>40</td>
</tr>
</tbody>
</table>

(b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

(c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

(d) Ditch relief culverts shall be sufficiently sized and properly installed in
order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

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

J. Signs. The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Shoreland Residential and General Development Districts:

(1) One sign (which may be two sided) relating to goods and services sold on the premises shall be allowed, provided that such sign shall not exceed sixteen (16) square feet in area and shall not exceed twelve (12) feet above the ground. No sign relating to goods or services not sold or rendered on the premises shall be allowed.

(2) Name signs are allowed, provided such signs shall not exceed two (2) signs per premises and shall not exceed twelve (12) square feet in the aggregate.

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

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

(5) Signs relating to public safety shall be allowed without restriction.

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

(7) Signs shall not be illuminated.

K. Storm Water Runoff

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

(2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.
NOTE: The Storm water Management Law (38 M.R.S.A. section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of 20,000 square feet or more of impervious area or 5 acres or more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or a project with 1 acre or more of developed area in any other stream, coastal or wetland watershed. A permit-by-rule is necessary for a project with one acre or more of disturbed area but less than 1 acre impervious area (20,000 square feet for most-at-risk lakes and urban impaired streams) and less than 5 acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.

L. Septic Waste Disposal

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

(a) Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland, and

(b) A holding tank is not allowed for a first-time residential use in the Shoreland Zone.

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

M. Essential Services

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

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

(3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

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

Mineral extraction may be permitted under the following conditions:

(1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (N)(3) below.

(2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond or a river flowing to a great pond, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.

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

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

NOTE: The State of Maine Solid Waste Laws , 38 M.R.S.A., Section 1301 and the solid waste management rules, Chapter 400-419 of the Department
of Environmental Protection’s Regulations may contain other applicable provisions regarding disposal of such materials.

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

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

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

O. Agriculture

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

(2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond or a river flowing to a great pond, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

(3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

(4) There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

(5) Newly established livestock grazing areas shall not be permitted within
one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance, of other water bodies, nor; within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

P. Timber Harvesting This Section 15(P) shall be repealed on the statutory date established under 38 M.R.S.A. section 438-B(5), at which time the statewide standards shall apply to timber harvesting and timber harvesting activities. Beginning on the effective date of the statewide standards, the Department of Conservation, Bureau of Forestry will administer and enforce those standards within the Municipality of Oxford.

(1) Resource Protection District (within 75 feet of water):

For areas abutting a great pond, there shall be no timber harvesting, within the strip of land extending 75 feet inland from the normal high-water line, except to remove safety hazards.

(2) Other districts including the Resource Protection District beyond 75 feet of a great pond, within the Shoreland Zone timber harvesting shall conform with the following provisions:

(a) Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 feet above ground level on any lot in any ten (10) year period is permitted. (See Section 15 P (3) for an exception to the 40 percent standard). In addition:

(i) There shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained:

(a) Within one-hundred (100) feet, horizontal distance of the normal high-water line of a great pond or a river flowing to a great pond, and

(b) 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.

(ii) At distances greater than those set forth above in 15 P (2) (a) (i). 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 the 40% volume limitation may be considered to be equivalent to 40% of the basal area.

(b) 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.

(c) 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.

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

(e) 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.

(f) 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.

(3) The Planning Board may issue a permit to exceed the 40 percent limitation set forth in Section 15 P (2) (a), above, upon a clear showing, including a Forest Management Plan signed by a Maine licensed Professional Forester, that such timber harvesting in excess of the 40 percent
is necessary for good forestry management and is carried out in accordance with the purpose of this ordinance. The Planning Board shall notify the Department of Environmental Protection of any permits issued for timber harvesting in excess of the 40 percent within 14 days of approving such permits.

Q. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

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

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

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

(a) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

(b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of this Section, 15(Q)(2)(b), a "well-distributed stand of trees" (not a well-distributed stand of trees and other vegetation) adjacent to a great pond or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4½ feet Above Points
Ground Level (inches)
2 – < 4 in. 1
4 – < 8 in. 2
8 – < 12 in. 4
12 in. or greater 8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

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

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

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

The following shall govern in applying this point system:

(i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

(ii) Each successive plot must be adjacent to, but not overlap a previous plot;

(iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

(iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance; and

(v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(Q)(2)(b), in all Shoreland areas “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings
less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25 foot by 50 foot rectangular area. If five (5) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

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

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

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

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

Section 15(Q)(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

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

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision shall not apply to the General Development Districts.
(4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

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

R. Erosion and Sedimentation Control

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

(a) Mulching and revegetation of disturbed soil.

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

(c) Permanent stabilization structures such as retaining walls or rip-rap.

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

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

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

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

(b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
(c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

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

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

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

U. Archaeological Site. Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

V. Shore Front Common Areas.
Shore front common areas shall meet the following criteria:

1. The shore front common area shall contain a minimum of 2 acres and at least 4,000 square feet for each unit having access or use of it;

2. The shore front common area shall have a minimum of 50 feet of shoreline frontage for each residential dwelling unit which has access to the common area and for each right of use granted to the common area, but in no case shall the minimum shoreline frontage be less than 200 feet; and

3. Accommodations for motorized watercraft shall be limited to one watercraft for each 50 feet of shoreline frontage. This limit shall not apply to motorized watercraft of transient visitors which remain at the common area for less than 24 hours.

16. Administration

A. Administering Bodies and Agents

(1) Code Enforcement Officer. A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.

(2) Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. section 2691.

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

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

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

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

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

(c) Adequate erosion control measures are taken to prevent sedimentation of...
the water, and the crossing does not block fish passage in the watercourse.

(2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer’s level 1 or level 2 approved list and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

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

C. Permit Application

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

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

(3) All applications shall be dated, and the Code Enforcement Officer shall note upon each application the date and time of its receipt.

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

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

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

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

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will avoid problems associated with floodplain development and use; and
8. Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the municipality.

**E. Special Exceptions.** In addition to the criteria specified in Section 16(D) above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

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

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

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

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

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

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

(4) The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet which limitation shall not be altered by variance; and

(5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit. Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

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

H. Appeals

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

(a) Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

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

(2) Variance Appeals. Variances may be granted only under the following conditions:

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

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

(c) The Board shall not grant a variance unless it finds all of the following:

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

(ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
a. That the land in question cannot yield a reasonable return\(^1\) unless a variance is granted;

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

c. That the granting of a variance will not alter the essential character of the locality; and

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

\(^1\) In order to satisfy the reasonable return requirement, the applicant must demonstrate that strict compliance with the terms of this ordinance would result in the practical loss of substantial, current beneficial use of the land. *Reasonable* return is not *maximum* return, and variances shall not be granted to increase return.

(iii) The variance is strictly limited to a setback requirement for a single-family dwelling that is the primary year-round residence of the petitioner and if the petitioner has obtained the written consent of abutting landowners; A variance under this subsection shall not exceed 20% of the setback requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage. The Board of Appeals shall limit any variances 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.

(d) Notwithstanding Section 16(H)(2)(c)(ii), above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance and shall limit the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term “structures necessary for access to or egress from the dwelling” shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

(e) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the
municipal officials (the Code Enforcement Officer, the Planning Board, the Town Manager, or the Board of Selectmen) and to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Municipal Officials and/or the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

(3) Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a *de novo* hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a *de novo* capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

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

(4) Appeal Procedure

(a) Making an Appeal

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

(ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:
(a) A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

(b) If a de novo appeal, 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 and if an appellate appeal only the written documentation provided the Planning Board.

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

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

(b) Decision by Board of Appeals

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

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

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

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

(5) Appeal to Superior Court

Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.
(6) Reconsideration

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

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

I. Enforcement

(1) Nuisances Any violation of this Ordinance shall be deemed to be a nuisance.

(2) Code Enforcement Officer

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

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

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

(3) Legal Actions

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

(4) Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452. Current penalties include fines of not less than $100 nor more than $2,500 per violation for each day that the violation continues. In a Resource Protection district the maximum penalty is increased to $5,000 (38 M.R.S.A. Section 4452).

17. Definitions.

Accessory Structure or Use - A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.
**Aggrieved Party** - An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

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

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

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

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

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

**Building Envelope** – The area on a lot upon which excavation, grading, and/or construction can occur

**Bureau** – State of Maine Department of Conservation’s Bureau of Forestry

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

**Canopy** – The more or less continuous cover formed by tree crowns in a wooded area.

**Cluster Development** - A scheme of developing a tract of land by which groups of residences are allowed on reduced size lots providing the balance of the tract is preserved as open space for recreation, conservation, agriculture or forestry use, and providing the overall density of housing on
the tract is not increased above the density possible in a conventional
development.

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

**DBH** – The diameter of a standing tree measured 4.5 feet from ground level.

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

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

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

**Driveway** - A vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

**Dwelling** – See Residential Dwelling Unit

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

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

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

**Family** - One or more persons occupying a premise and living as a single housekeeping unit.

**Floodway** - The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

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

**Forest Management Activities** - Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

**Forested Wetland** - A freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

**Foundation** - The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basement walls, slabs, frost walls, knee walls, or other base consisting of concrete, block, brick, wood, steel, or similar material.

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

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

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

**Functionally Water-Dependent Uses** - Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.

**Gravel Pit** – See Mineral Extraction

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

**Great Pond Classified GPA** - Any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds. All great ponds in the Municipality of Oxford are classified GPA.

**Ground Cover** – Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

**Height of a Structure** - The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.
Home Occupation - An occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

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

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

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

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

Land Management Road - A route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.
Licensed Forester - A forester licensed under 32 M.R.S.A. Chapter 76.

Lot - A parcel of land in single ownership, described on deed, plot, or similar legal document. A parcel divided by a street shall be considered as two separate lots.

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.

Lot of Record: A parcel of land, a legal description of which, or the dimensions of which are recorded on a document or map on file with the County Register of Deeds.

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

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

Mineral Exploration - Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral Extraction - Any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Minimum Lot Width - The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Mobile Homes –

(1)HUD Code Mobile Homes are those dwelling units constructed after June 15, 1976 that the manufacturer certifies are constructed in compliance
with the United States Department of Housing and Urban Development (HUD) standard, meaning structures, transportable in one or more sections that, in the traveling mode, are 8 body feet or more in width and 40 body feet or more in length or, when erected on site, are 320 or more square feet, and are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by HUD and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code 5401, et seq; [2005, c. 344, §4 (amd).]

(2) **Pre-HUD Code Mobile Homes** are those mobile manufactured housing units constructed prior to June 15, 1976, meaning structures, transportable in one or more sections, that are 8 body feet or more in width and are 32 body feet or more in length and are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.

**Modular Home** - Those manufactured dwelling units that the manufacturer certifies are constructed in compliance with the State of Maine Manufactured Housing Act and Regulations, meaning structures transportable in one or more sections and designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.

**Multi-Unit Residential/Multi-Family Dwelling** - A residential structure containing three (3) or more residential dwelling units.

**Native** – Indigenous to the local forests.

**Non-Conforming Condition** – Non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time of this Ordinance or at the time a subsequent amendment to this Ordinance takes effect.

**Non-Conforming Lot** - A single lot of record which at the time of this Ordinance or at the time a subsequent amendment to this Ordinance takes effect 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 setback, height, or lot coverage dimensional requirements, but which is allowed solely because it was in lawful existence at the time of this Ordinance or at the time a subsequent amendment to this Ordinance takes effect.

**Non-Conforming Use** - Use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time of this Ordinance or at the time a subsequent amendment to this Ordinance takes effect.

**Normal High-Water Line** - That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

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

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

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

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

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

**Principal Use** - A use other than one which is wholly incidental or accessory to another use on the same premises.
**Public Facility** - Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

**Recent Floodplain Soils** - The following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg Hadley Limerick Podunk Rumney Saco Suncook Sunday Winooski Lovewell Medoma Ondawa

Alluvial Cornish Charles

**Recreational Facility** - A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat-launching facilities.

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

**Replacement System** - A sewage system intended to replace:

1. An existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or
2. Any existing overboard wastewater discharge.

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

**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 floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.
**Road** - A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway, as defined.

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

(1) In the case of electric service:

(a) The placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and

(b) The total length of the extension is less than one thousand (1,000) feet.

(2) In the case of telephone, cable, or other telecommunications service:

(a) The extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or

(b) The extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

**Setback** - The nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

**Shore Frontage** - The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

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

**Shoreline** – The normal high-water line or upland edge of a freshwater wetland.

**Sign:** Means any structure, display, logo, device or representation which is designed or used to advertise or call attention to any thing, person, business, activity or place and is visible from any public way. It does not include the flag, pennant or insignia of any nation, state or town. Whenever dimensions of a sign are specified, they shall include frames. Identical sign faces,
separated by no more than two feet and mounted on the same base or posts are considered one sign provided that only one face is visible from one direction of travel on each adjacent road.

**Sign Area:** The area contained within the sign perimeter as herein defined.

**Sign Perimeter:** A series of no less than 3 or more than 4 straight lines beginning and ending at the same point touching or following all extremities of the sign. Where the lines meet, they shall not form an interior angle of more than 180°. The perimeter does not include post(s) between the sign and the ground and of a size necessary to hold the sign unless the posts set in/on a visible base, in which case, the perimeter of the sign must include the base and post(s), or unless the post(s) are larger than necessary for support.

**Significant Wildlife Habitat:** Habitat for species on the official state or federal lists of endangered or threatened species: high or moderate value deer wintering areas and travel corridors as defined by the Dept. of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by Dept. of Inland Fisheries and Wildlife.

**Skid Road or Skid Trail** - A route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

**Slash** - The residue, e.g., treetops and branches, left on the ground after a timber harvest.

**Slope in Percent** - Shall be measured as the horizontal rise in feet over 100 feet of vertical distance.

**Slope as Ratio** - Where slope is designated as a ratio, (i.e. 3:1) it shall be the ratio of the horizontal distance to the vertical rise.

**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 (such as decks,
walkways, driveways, patios, satellite dishes, etc.), exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops such as guying and guy anchors. The term includes structures temporarily or permanently located.

**Substantial Start** - Completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

**Subsurface Sewage Disposal System** – Any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

**Sustained Slope** - A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

**Timber Harvesting** - The cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

**Timber Harvesting and Related Activities** - Timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

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

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.
**Upland Edge of a Wetland** - The boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

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

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

**Water Body** - Any great pond, river or stream.

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

**Wetland** - A freshwater wetland.

**Wetlands Associated with Great Ponds and Rivers** - Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

**Woody Vegetation** - Live trees or woody, non-herbaceous shrubs.

**Yard Sale** - Sale of miscellaneous household items, antiques, hardware, clothing, and/or collectibles at a residence.

**STATUTORY AUTHORITY:** 38 M.R.S.A. Section 438-A(5)

**EFFECTIVE DATE:**

January 13, 1988 (Filed as 06-101, Ch. 1)
When a nonconforming structure is removed, damaged or destroyed by more than 50% of the market value of the structure, it can only be replaced if it is built such that the setback requirement is met to the greatest extent possible, as determined by the Planning Board. The new location of the replaced structure must be determined based on the size of the previously existing structure, not based on the size of the structure that the owner wishes to build.

The Planning Board must prohibit any of the structure to be replaced within the setback area if a replacement structure the same size as the old structure can be located outside the setback area. Only after a replacement structure of equal size cannot be fully located outside the setback area can there be part of the replacement structure within the setback area. Only after the location of an equal size replacement structure is determined can the owner consider what the allowable increase in size, if any, can be within the setback area.

If the replacement structure of equal size can fit outside the setback area, then no portion of the replacement can be permitted within the setback area. If the replacement structure can be set back only partially outside the water setback area, then the 30% expansion allowance for the new building can be based only on the part of the replacement structure that cannot meet the
setback requirement. The nonconformance provisions are not met if a replacement structure of equal size that can meet the setback requirements is replaced inside the setback area.

The Planning Board shall use the following steps where greater than 50% of a structure is proposed to be replaced and the structure expanded:

(1) Determine where the existing structure footprint can be located to meet the setback requirements to the greatest practical extent.

(2) If the entire footprint is beyond the minimum setback, then no portion of the replacement structure or additions can be added within the setback area.

(3) If a portion of the replacement structure footprint is still within the setback area after determining the greatest practical extent, then the owner may expand only that portion of the structure within the setback area by up to 30% within the setback area. Expansions cannot occur on the lake or riverside in the setback area, but may occur sideways or upwards.

(4) Any portion of the replacement structure that is located outside the setback area may be expanded without regard to the 30% restriction so long as the expansion does not violate the 20% lot coverage and any other applicable standards or causes excessive vegetation clearing beyond the allowed clearing provisions. (See 15 P. of this Ordinance.)

EXPANSION WITHIN THE BUFFER IS LIMITED TO

ONLY 30% OF THE FLOOR AREA OR VOLUME OF THE

STRUCTURE REMAINING WITHIN THE BUFFER
FOOTPRINT

MOVE ORIGINAL FOOT PRINT
BACK TO GREATEST PRACTICAL

EXTENT ORIGINAL STRUCTURE

100' SETBACK
Town of Oxford

SOLID WASTE ORDINANCE

An ordinance relating to the Disposal of Solid waste:
Prescribing Rules and Regulations therefore; and providing penalties for Violation hereof.

Be it ordained by the Town of Oxford, Maine (hereinafter called the “Town”).

1.1. Short Title
This ordinance shall be known as and may be cited as the “Ordinance Relating to the Disposal of solid Waste prescribing Rules and Regulations therefor: Providing Penalties for violation thereof and shall be referred to herein as the “Ordinance”.

1.2. Purpose
The purpose of the ordinance is to protect the health, safety and general well-being of the citizens of the Town; enhance and maintain the quality of the environment, conserve natural resources and prevent water and air pollution by providing a comprehensive, rational and effective means of regulating the disposal of solid waste in the Town in accordance with the provisions of Title 38 M.R.S.A. §1304-b as amended.

1.3. Definitions
For the purposes of this ordinance, the following definitions shall be observed in the construction of this ordinance.

1.3.2. “Ashes” shall mean that residue from the burning of wood, coal, coke or other combustible material.

1.3.3. “Board” shall mean the Board of Selectmen.

1.3.4. “Disposal” shall mean the discharge, deposit, dumping or placing of any solid waste into or on any land.

1.3.5. “Hazardous Waste” shall mean a waste substance or material in any physical state, designated as hazardous by the Department of Environmental Protection.

1.3.6. “Infection Waste” shall include those wastes so defined by the Department of Environmental Protection pursuant to Title 38 M.R.S.A. §1304.

1.3.7. “Municipality” shall mean the Town.

1.3.8. “Resource Recovery” shall mean the recovery of materials or substances that still have useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purposes.

1.3.9. “Solid Waste” shall mean useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitations, rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse, but shall not include septage tank sludge nonagricultural or hazardous wastes.
1.3.10. “Solid Waste Disposal Facility (Disposal Facility) shall mean any land or structure or combination of land area and structures, including dumps and transfer stations used for storing, salvaging, reducing, incinerating or disposing of solid wastes.

Article II. Municipal Solid Waste disposal Facility.

2.1 Designation

2.1.1. The dumping or depositing of any solid waste generated within the municipality by any person or any place other than at this designated disposal facility or approved transfer station is prohibited, provided however, the owner of any lot or any other person with the permission of the lot owner, may deposit or dump inert substances such as earth, rocks, concrete or similar material for fill purposes only, subject to state or local user regulations.

Article III. Administration

3.1. Governing Board

3.1.1. The board shall establish the rules and regulations governing the availability and use of the disposal facility.

3.1.2. The operation of the disposal facility shall conform to all pertinent regulations or directives of all local, county, state or federal agencies which may have jurisdiction.

Article IV. Restrictions and Fees for Disposal

4.1. Restrictions

4.1.1. No person, firm or corporation shall permanently dispose of waste or refuse of any kind upon any land within the corporate limits of the Town of Oxford, unless such land has been designated by the Town as a solid waste disposal facility.

4.1.2. Certain materials may be excluded by regulation from those refuse materials which may be deposited at a solid waste disposal facility. These excluded materials may include junk automobile bodies and similar bulky waste which may require special processing prior to disposal, tree and tree trunks and limbs, burning materials or materials containing hot or live coals; hazardous wastes; and other materials which the Board deems necessary to exclude.

Hazardous wastes shall be handled in accordance with Title 38 M.R.S.A. §1317, et seg. As amended.

Article V. Rules and Regulations

5.1. Authorized Disposal Facility Users

The availability and use of the disposal facility shall be limited to residents of the Municipality, and to those residents of any other Municipality which may, by mutual agreement, be authorized to use the Disposal Facility. The Board may further regulate hauling of Solid Waste by requiring it to be transferred at that time directly to the Disposal Facility that is used by the Town.

5.2. Resource Recovery
5.2.1. The Board may require Solid Waste to be separated into such categories as may be established by the Boards regulation and disposed of only in such manner and at such sites and locations as designated.

5.3. Property Rights

5.3.1. Any solid waste deposited within the disposal facility shall become the property of the Municipality. No one shall become the property of the municipality. No one shall salvage, remove, or carry off any such deposited Solid Waste without prior approval of the Board.

Article VI. Miscellaneous

6.1.1. The Board may establish by order a schedule of fees to be charged to commercial refuse collectors and citizens for the use of the disposal Facility which schedule shall be posted and published. All fees collected shall be for the use of the town of Oxford.

6.1.2. It shall be the duty of the board or its designee to enforce the provisions of this ordinance.

6.1.3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

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

6.1.5. Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than one hundred ($100.00) dollars the day of violation plus costs which fine shall be recovered on complaint to the use of the Town.
AN ORDINANCE AMENDING AND CODIFYING THE SPECIAL AMUSEMENT ORDINANCE OF THE TOWN OF OXFORD TO GOVERN THE PERMITTING AND OPERATION OF LIQUOR LICENSEESEES THAT PROVIDE ACTIVITIES OR ENTERTAINMENT FOR WHICH A SPECIAL AMUSEMENT PERMIT IS REQUIRED.

WHEREAS, 28-A Maine Revised Statutes Annotated § 1054 directs municipalities to administer and regulate special amusement permits so that licensees for sale of liquor to be consumed on the premises may lawfully provide live music, dancing, and entertainment on the premises;

WHEREAS, the Town desires to update its procedures and regulations concerning special amusement permits;

WHEREAS, certain businesses require special supervision from the public safety agencies of the Town in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the Town; and

WHEREAS, the Town finds that such establishments include those that provide entertainment and are licensed for sale of liquor to be consumed on the premises; and

WHEREAS, the Town finds that nudity, partial nudity, and/or sexual conduct coupled with liquor in public places begets undesirable behavior, and that sexual, lewd, lascivious, and salacious conduct among patrons and employees within liquor-licensed establishments results in violation of law and dangers to the health, safety and welfare of the public; it is the intent of this ordinance to prohibit such conduct in said establishments;

WHEREAS, there is convincing documented evidence that paid physical contact between scantily-clad performers and patrons of alcoholic beverage establishments leads to unlawful sexual activities, including masturbation, lewdness, prostitution, and other negative effects which the Town seeks to prevent; and

WHEREAS, the Town recognizes its constitutional duty to interpret, construe, and amend its laws and ordinances to comply with constitutional requirements as they are announced; and

WHEREAS, with the passage of any ordinance, the Town accepts as binding the applicability of general principles of criminal and civil law and procedure and the rights and obligations under the United States and Maine Constitutions, Maine Revised Statutes Annotated, and the Maine Rules of Civil and Criminal Procedure; and

WHEREAS, it is not the intent nor the effect of this ordinance to suppress any speech activities protected by the U.S. Constitution or the Maine Constitution, but to enact an ordinance to further the substantial governmental interests of the Town, including the controlling of secondary effects associated with paid physical contact in establishments that sell liquor to be consumed on the premises.

NOW, THEREFORE, be it hereby ordained by the Town of Oxford, Maine at Town Meeting that the following ordinance be enacted:
SPECIAL
AMUSEMENT ORDINANCE

ARTICLE A. SPECIAL AMUSEMENT PERMITS

Sec. A-1. Purpose; Findings and Rationale.

The purpose of this Article is to control the issuance of special amusement permits for providing activities or entertainment in facilities licensed by the State of Maine for sale of liquor to be consumed on the premises, as required by 28-A M.R.S.A. § 1054. It is the further purpose of this Article to regulate facilities that are licensed for the sale of liquor to be consumed on the premises in order to promote the health, safety, and general welfare of the citizens of the Town, and to establish reasonable and uniform regulations to prevent the potential deleterious secondary effects of such establishments. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials or performances, including sexually oriented materials or performances. Similarly, it is neither the purpose nor effect of this Article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the purpose nor effect of this Article to condone or legitimize the distribution or presentation of obscene material or performances.

Based on evidence of adverse secondary effects associated with certain conduct in alcoholic beverage establishments, which effects have been presented in hearings and in reports made available to the Town, and on findings, interpretations, and narrowing constructions
incorporated in numerous cases, including, but not limited to California v. LaRue, 409 U.S. 109 (1972); New York State Liquor Authority v. Bellanca, 452 U.S. 714,718 (1981); City of Bangor v. Diva’s, Inc., 830 A.2d 898 (Me. 2003); 5634 East Hillsborough Ave., Inc. v. Hillsborough County, 2008 WL 4276370 (11th Cir. 2008); Peek-A-Boo Lounge, Inc. v. Manatee County, 630 F.3d 1346 (11th Cir. 2011); Flanigan’s Enters., Inc. v. Fulton County, 596 F.3d 1265 (11th Cir. 2010); Imaginary Images, Inc. v. Evans, 612 F.3d 736 (4th Cir. 2010); Daytona Grand, Inc. v. City of Daytona Beach, 490 F.3d 860 (11th Cir. 2007); Gammoh v. City of La Habra, 395 F.3d 1114 (9th Cir. 2005); Hang-On, Inc. v. City of Arlington, 65 F.3d 1248 (5th Cir. 1995); Artistic Entertainment, Inc. v. City of Warner Robbins, 223 F.3d 1306 (11th Cir. 2000); Gary v. City of Warner Robins, 311 F.3d 1334 (11th Cir. 2002); Ben’s Bar, Inc. v. Village of Somerset, 316 F.3d 702 (7th Cir. 2003); BZAPs, Inc. v. City of Mankato, 268 F.3d 603 (8th Cir. 2001); World Wide Video of Washington, Inc. v. City of Spokane, 368 F.3d 1186 (9th Cir. 2004); Gammoh v. City of La Habra, 395 F.3d 1114 (9th Cir. 2005); Sammy’s of Mobile, Ltd v. City of Mobile, 140 FJd 993 (11th Cir. 1998); Grand Faloon Tavern, Inc. v. Wicker, 670 F.2d 943 (11th Cir. 1982); Board of County Commissioners v. Dexterhouse, 348 So. 2d 916 (Ct. App. Fla. 1977); International Food & Beverage Systems v. Ft. Lauderdale, 794 F.2d 1520 (11th Cir. 1986); and other cases; and on reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Jacksonville, Florida; Dallas, Texas1997,2004; Phoenix, Arizona-1995-98; and also on findings of physical abuse from the papers entitled "Strip clubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; Expert Report of Richard McCleary, Ph.D., Dec. 18, 2004; Affidavit of J.R. Long; and "Sexually Oriented Businesses: An Insider's View," by David Shennan, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; the Town of Oxford finds that--

a. Nudity, partial nudity, and/or sexual conduct coupled with liquor in public places begets negative secondary effects, including sexual, lewd, lascivious, and salacious conduct among patrons and employees resulting in violation of laws and in dangers to the health, safety and welfare of the public;

b. Paid physical contact between scantily-clad employees of alcoholic beverage establishments, including "private" dances, "lap" dances, and "couch" dances, as they are commonly called, are associated with and can lead to illicit sexual activities, including masturbation, lewdness, and prostitution, as well as other negative effects, including sexual assault.

c. The Town finds that the foregoing conduct, even when said employees are not technically nude or semi-nude as defined in other portions of Town ordinances, is substantially similar to and presents similar concerns as conduct by nude and semi-nude employees in sexually oriented businesses.

d. Each of the negative effects targeted by this Article constitutes a harm which the Town has a substantial government interest in preventing and/or abating in the future. This substantial government interest in preventing such negative effects, which is the Town's rationale for this Article, exists independent of any comparative analysis between the regulated establishments and other, non-regulated establishments. The Town finds that the cases and secondary effects documentation relied on in this Article are reasonably believed to be relevant to the Town's interest in preventing illicit sexual behavior and other negative secondary effects.
The Town hereby adopts and incorporates herein its stated findings and legislative record related to adverse secondary effects, including the judicial opinions and reports related to such secondary effects.

For purposes of this Article, the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context.

Bikini-clad means a state of dress in which opaque clothing covers (i) the human male or female genitals, pubic area, and buttocks, and (ii) the female breasts below the top of the areola, but no additional area contiguous to those portions of the body described in (i) and (ii).

Employee means any person who performs a service on the premises of a facility licensed to sell liquor on a full time, part time, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises.

Influential Interest means any of the following: (1) the actual power to operate the establishment or control the operation, management or policies of the establishment or legal entity which operates the establishment, (2) ownership of a financial interest of thirty percent (30%) or more of a business or of any class of voting securities of a business, or (3) holding an office (e.g., president, vice president, secretary, treasurer, managing member, managing director, etc.) in a legal entity which operates the establishment.

Permittee means a person in whose name a special amusement permit has been issued, as well as the individual or individuals listed as an applicant on the application for a special amusement permit.

Nudity means the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque, non-flesh-colored covering, or the showing of the female breast with less than a fully opaque, non-flesh-colored covering of any part of the nipple and areola.

Premises means the real property upon which the licensee for sale of liquor to be consumed on the premises operates, and all appurtenances thereto and buildings thereon, including, but not limited to, the business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a special amusement permit.

Regularly means the consistent and repeated doing of an act on an ongoing basis.

Semi-Nude or Semi-Nudity means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.

Specified Anatomical Areas means and includes:
(a) Less than completely and opaquely covered: human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and
(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
Specified Criminal Activity means any of the following specified crimes for which less than five years has elapsed since the date of conviction or the date of release from confinement, whichever is the later date:
(a) sex crimes as defined in 17-A M.R.S.A. §§ 253 through 261 and §§ 282 through 284;
(b) prostitution and public indecency crimes as defined in 17-A M.R.S.A. §§ 852 through 855;
(c) assault, domestic violence assault, aggravated assault, or elevated aggravated assault as defined in 17-A M.R.S.A. §§ 207, 207-A, 208, or 208-B;
(d) obscenity crimes as defined in 17 M.R.S.A. §§ 2911 through 2913;
(e) drug crimes as defined in 17-A M.R.S.A. §§ 1103 through 1118;
(f) any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or
(g) any offense in another jurisdiction that, had the predicate act(s) been committed in Maine, would have constituted any of the foregoing offenses.

Specified Sexual Activity means any of the following:
(a) intercourse, oral copulation, masturbation or sodomy; or
(b) excretory functions as a part of or in connection with any of the activities described in (a) above.

Sec. A-3. Permit required.
(a) Permit Required. It shall be unlawful for a licensee for sale of liquor to be consumed on the premises to provide activities or entertainment listed in 28-A M.R.S.A. § 1054(1) without a valid special amusement permit from the Town.
(b) Application. An applicant for a special amusement permit shall file in person at the office of the Town Manager a completed application made on a form provided by the Town Manager. The application shall be signed as required by subsection (c) herein and shall be notarized. An application shall be considered complete when it contains the information and/or items required in this subsection (b), accompanied by the appropriate permit application fee:
(1) The applicant's full legal name and any other names used by the applicant in the preceding five (5) years.
(2) Current business address or another mailing address for the applicant.
(3) Written proof of age, in the form of a driver's license, a picture identification document containing the applicant's date of birth issued by a governmental agency, or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency.
(4) The business name, location, legal description, mailing address and phone number.
(5) The name and business address of the statutory agent or other agent authorized to receive service of process.
(6) A copy of the applicant's current license for sale of liquor to be consumed on the premises.
(7) A statement of whether an applicant has been convicted of or has pled guilty or nolo contendere to a specified criminal activity as defined in this Article, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.
(8) A statement of whether any establishment in which an applicant has had an influential interest, has, in the previous five (5) years (and at a time during which the applicant had the influential interest):
(i) been declared by a court of law to be a nuisance; or
(ii) been subject to a court order of closure.
(9) An application for a special amusement permit shall be accompanied by a legal description of the property where the business is located and a sketch or diagram showing the configuration of the premises, including a statement of total floor area occupied by the business and a statement of floor area visible or accessible to patrons for any reason, excluding restrooms. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches. The Town Town Manager may waive the requirements of this subsection (9) for a subsequent application if the applicant adopts a legal description and a sketch or diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

The information provided pursuant to this subsection (b) shall be supplemented in writing by certified mail, return receipt requested, to the Town Town Manager within ten (10) working days of a change of circumstances which would render the information originally submitted false or incomplete.

(c) Signature. If a person who seeks a special amusement permit under this section is an individual, he shall sign the application as applicant. If a person who seeks a special amusement permit is other than an individual, each person with an influential interest in the establishment or in a legal entity that controls the establishment shall sign the application for a permit as applicant. Each applicant must be qualified under this Article and each applicant shall be considered a permittee if a special amusement permit is granted.

(e) The information provided by an applicant in connection with an application for a special amusement permit under this Article shall be maintained by the office of the Town Town Manager on a confidential basis, and such information may be disclosed only as may be required, and only to the extent required, by governing law or court order. Any information protected by the right to privacy as recognized by state or federal law shall be redacted prior to such disclosure.

Sec. 6-4. Issuance of permit.
(a) Upon the filing of a completed application for a special amusement permit, the Town Town Manager shall immediately schedule a public hearing on the application before the Oxford Board of Selectmen to occur within fourteen (14) days. The Town Manager shall provide written notice of the public hearing to the applicant and to the Board of Selectmen within five (5) days of the filing of a completed application.

(b) At the public hearing on the special amusement permit application, the Board of Selectmen shall take testimony of the applicant and any interested members of the public. The hearing shall focus upon the criteria for issuance of a permit as set forth in subpart (c), below.

(c) Within fifteen (15) days of the filing of a completed special amusement permit application, the Board of Selectmen shall issue to the applicant written notice of its decision to grant or deny the licensee a permit. If the Board denies the permit, the written notice shall set forth the Board's reasons for the denial. The Board of Selectmen shall grant a special amusement permit unless it finds that the issuance of the permit would be detrimental to public health, safety or welfare, as demonstrated by the following criteria:

(1) An applicant is less than eighteen (18) years of age.
(2) An applicant has failed to provide information required by this Article for issuance of a permit or has falsely answered a question or request for information on the application form.
(3) The applicant does not possess a valid license for sale of liquor to be consumed on the premises.
(4) The establishment is in a location where sale of liquor to be consumed on the premises, or the activity for which the special amusement permit is sought, is prohibited by the Oxford Municipal Code.
(5) Any establishment in which an applicant has had an influential interest, has, in the previous five (5) years (and at a time during which the applicant had the influential interest):
   (i) been declared by a court of law to be a nuisance; or
   (ii) been subject to an order of closure.
(6) An applicant has been convicted of or pled guilty or nolo contendere to a specified criminal activity, as defined in this Article.
(d) The permit, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the permit issued to the permittee(s), the expiration date, and the address of the business. The special amusement permit shall be posted in a conspicuous place at or near the entrance to the business so that it may be read at any time that the business is occupied by patrons or is open to the public.

Sec. A-5. Fees.
The application fee for a special amusement permit shall be fifty dollars ($50).

Special amusement permit holders and their employees shall permit the Town Manager and Town Chief Law Enforcement Officer and/or their agents to inspect, from time to time on an occasional basis, the portions of the establishment where patrons are permitted, for the purpose of ensuring compliance with the specific regulations of this Article, during those times when the establishment is occupied by patrons or is open to the public. This section shall be narrowly construed by the Town to authorize reasonable inspections of the licensed premises pursuant to this Article, but not to authorize a harassing or excessive pattern of inspections.

Each special amusement permit shall remain valid for the license year of the existing license for sale of liquor to be consumed on the premises. Such permit may be renewed for a subsequent license year only by making application and payment of a fee as provided in this Article.

Sec. A-8. Suspension.
The Town Manager shall issue written notice of intent to recommend that the Board of Selectmen suspend a special amusement permit for a period not to exceed thirty (30) days if the permittee has knowingly or recklessly violated this Article or has knowingly or recklessly allowed an employee or any other person to violate this Article.

(a) The Town Manager shall issue a written notice of intent to recommend that the Board of Selectmen revoke a special amusement permit if the permittee knowingly or recklessly violates this Article or has knowingly or recklessly
allowed an employee or any other person to violate this Article and a suspension of the permittee's permit has become effective within the previous twelve-month (12-mo.) period.

(b) The Town Manager shall issue a written notice of intent to recommend that the Board of Selectmen revoke a special amusement permit if:

1. The permittee has knowingly given false information in the application for the special amusement permit;
2. The permittee has knowingly or recklessly engaged in or allowed possession, use, or sale of controlled substances on the premises of the establishment;
3. The permittee has knowingly or recklessly engaged in or allowed prostitution on the premises of the establishment;
4. The permittee knowingly or recklessly provided activities or entertainment listed in 28-A M.R.S.A. § 1054(1) during a period of time when the special amusement permit was finally suspended or revoked;
5. The permittee has knowingly or recklessly engaged in or allowed any specified sexual activity or specified criminal activity to occur in or on the premises of the establishment; or
6. The permittee has knowingly or recklessly allowed a person under the age of eighteen (18) years to consume alcohol or appear in a state of semi-nudity or nudity on the premises of the establishment.

(c) The fact that any relevant conviction is being appealed shall have no effect on the revocation of the permit, provided that, if any conviction which serves as a basis of a permit revocation is overturned or reversed on appeal, that conviction shall be treated as null and of no effect for revocation purposes.

(d) When, after the notice and hearing procedure described in Section 6-10 of this Article, the Town revokes a permit, the revocation shall continue for one (1) year and the licensee shall not be issued a special amusement permit for one (1) year from the date revocation becomes effective.

Sec. A-10. Hearing; permit suspension, revocation; appeal.

(a) When the Town Manager issues a written notice of intent to recommend that the Board of Selectmen suspend or revoke a special amusement permit, the Town Manager shall immediately send such notice, which shall include the specific grounds under this Article for such action, to the permittee (respondent) by personal delivery or certified mail. The notice shall specify a date, not less than ten (10) days nor more than twenty (20) days after the date the notice is issued, on which the Board of Selectmen shall conduct a public hearing on the Town Manager's written notice of intent to recommend that the Board of Selectmen suspend or revoke the permit.

At the public hearing, the respondent shall have the opportunity to present all of respondent's arguments and to be represented by counsel, present evidence and witnesses on his or her behalf, and cross-examine any of the Town Manager's witnesses. The Town Manager shall also be represented by counsel, and shall bear the burden of proving the grounds for denying, suspending, or revoking the license. The hearing shall take no longer than two (2) days, unless extended at the request of the respondent to meet the requirements of due process and proper administration of justice. The Board of Selectmen shall issue a written decision, including specific reasons for the decision pursuant to this Article, to the respondent within five (5) days after the public hearing. The decision, if adverse to the respondent, shall not become effective until the
thirtieth (30th) day after it is rendered. If, within said thirty (30) days, the respondent
files an appeal with the Oxford Board of Appeals, the decision shall be stayed pending the
resolution of the appeal by the Oxford Board of Appeals.

(b) Any licensee for sale of liquor to be consumed on the premises who has applied
for a special amusement permit and has been denied, or whose permit has been revoked
or suspended, may appeal the decision to the Oxford Board of Appeals within thirty (30)
days of the denial, suspension or revocation. Upon notice to the Town Administrative
Assistant that an appeal has been filed, the Town Town Manager shall provide
the written decision and the administrative record on the denial, suspension or revocation
to the Board of Appeals within ten (10) days. The Board of Appeals shall consider the
written decision, the administrative record, and the appeal at the first monthly meeting
after receiving the administrative record, or within thirty (30) days of the receipt of the
administrative record, whichever is sooner. Within five (5) days after the meeting, the
Board of Appeals shall issue to the applicant written notice of its decision on the appeal.
The Board of Appeals shall grant or reinstate the special amusement permit if it finds
that: (1) the permitted activities would not constitute a detriment to the public health,
safety or welfare or violate municipal ordinances or regulations; or (2) the denial,
revocation or suspension was arbitrary and capricious.

If the Board of Appeals upholds the decision to deny, suspend, or revoke the permit, the
decision shall advise the respondent of the right to appeal such decision to a court of
competent jurisdiction, and the decision shall not become effective until the thirtieth
(30th) day after it is rendered. If the Board of Appeals' decision finds that no grounds
exist for denial, suspension, or revocation of the permit, the Board of Appeals shall,
contemporaneously with the issuance of its decision, direct the Board of Selectmen to
immediately issue the permit to the applicant.

(c) If any court action challenging a permit decision is initiated, the Town shall
prepare and transmit to the court a transcript of the hearing within thirty (30) days after
receiving written notice of the filing of the court action. The Town shall consent to
expedited briefing and/or disposition of the action, shall comply with any expedited
schedule set by the court, and shall facilitate prompt judicial review of the proceedings.
The following shall apply to any licensee for sale of liquor to be consumed on the
premises that holds a valid special amusement permit on the date on which the completed
application is filed with the Town Town Manager: Upon the filing of any court
action to appeal, challenge, restrain, or otherwise enjoin the Town's enforcement of any
denial, suspension, or revocation of a special amusement permit, the Administrative
Assistant shall immediately issue the respondent a Provisional Permit. The Provisional
Permit shall allow the respondent to continue to provide activities and entertainment
listed in 28-A M.R.S.A. § 1054(1) and will expire upon the court's entry of a judgment
on the respondent's appeal or other action to restrain or otherwise enjoin the Town's
enforcement.

Sec. A-11. Hours of permitted activities.
No special amusement permittee shall provide permitted activities or entertainment
between 12:00 midnight and 6:00 a.m. on any day.

A licensee who has been issued a special amusement permit may charge admission.

Sec. A-13. Loitering, exterior lighting and monitoring, and interior lighting
requirements.
(a) It shall be the duty of the special amusement permittee to: (i) ensure that at least
two conspicuous signs stating that no loitering is permitted on the premises are posted on the premises; (ii) designate One or more employees to monitor the activities of persons on the premises by visually inspecting the premises at least once every ninety (90) minutes or inspecting the premises by use of video cameras and monitors; and (iii) provide lighting to the exterior premises to provide for visual inspection or video monitoring to prohibit loitering. Said lighting shall be of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than one (1.0) foot candle as measured at the floor level. If used, video cameras and monitors shall operate continuously at all times that the premises are open for business. The monitors shall be installed within an operator's station.

(b) It shall be the duty of the special amusement permittee to ensure that the interior premises shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than five (5.0) foot candles as measured at the floor level. When entertainment is provided, the illumination may be lowered to not less than one (1.0) foot candle as measured at the floor level

(c) It shall be unlawful for a person having a duty under this section to knowingly or recklessly fail to fulfill that duty.

Sec. A-14. Penalties and enforcement; nuisance.
(a) A person who violates any of the provisions of this Article shall be punished by a civil penalty of not less than one hundred dollars ($100.00) and not more than two thousand five hundred dollars ($2,500.00) for each violation, plus attorneys' fees and costs, to be recovered on complaint, to the use of the Town of Oxford. Each day a violation is committed, or permitted to continue, shall constitute a separate violation and shall be fined as such.

(b) The Town's municipal officers are hereby authorized to institute civil proceedings necessary for the enforcement of this Article to enjoin, prosecute, restrain, or correct violations hereof. Such proceedings shall be brought in the name of the Town, provided, however, that nothing in this section and no action taken hereunder, shall be held to exclude such criminal, civil, or administrative proceedings as may be authorized by other provisions of this Article, or any of the laws in force in the Town or to exempt anyone violating this code or any part of the said laws from any penalty which may be incurred.

(c) In addition to any other penalty provided in ordinance or by state statute, the commission of acts prohibited by this Article shall constitute a nuisance and may be abated by the Town seeking an injunction to prohibit further and continued violation of this Article.

Sec. A-15. Applicability of article to pending applications.
Notwithstanding anything to the contrary in 1 M.R.S.A. § 302, or in § 1-20 of the Oxford Municipal Code, this Article applies to any applications pending or approved on the date of its passage, regardless of whether such applications would constitute a "pending proceeding" under 1 M.R.S.A. § 302. Nothing in this Article shall be interpreted to mean it is other than a police power regulation, effective in relation to its regulated activities once enacted.
(a) No patron, employee, or any other person shall knowingly or intentionally, in an establishment with a special amusement permit, appear in a state of nudity or semi-nudity or engage in a specified sexual activity.
(b) No bikini-clad employee of an establishment with a special amusement permit shall knowingly or intentionally touch or make physical contact with the clothed or unclothed buttocks, breast(s), lap, groin area, or public area of a patron on the premises of the establishment.
(c) No patron of an establishment with a special amusement permit shall knowingly or intentionally touch or make physical contact with the clothed or unclothed buttocks, breast(s), lap, groin area, or public area of a bikini-clad employee of an establishment with a special amusement permit on the premises of the establishment.
(d) No special amusement permittee shall knowingly violate the regulations in this section or knowingly allow an employee or any other person to violate the regulations in this section.
(e) A sign in a form to be prescribed by the Town Manager, and summarizing the provisions of subsections (a), (b), (c), and (d), shall be posted near the entrance of the establishment with a special amusement permit in such a manner as to be clearly visible to patrons upon entry. No person shall cover, obstruct, or obscure said sign.
(f) Exception. This section does not apply to persons operating or performing in theaters, concerts halls, art centers, museums, or similar establishments that are primarily devoted to the arts or theatrical performances, when the performances that are presented are expressing matters of serious literary, artistic, scientific, or political value.

Sec. A17. Scienter required to prove violation or permittee liability.
This Article does not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a knowing or reckless mental state is necessary to establish a violation of a provision of this Article. Notwithstanding anything to the contrary, for the purposes of this Article, an act by an employee shall be imputed to the special amusement permittee for purposes of finding a violation of this Article, or for purposes of permit denial, suspension, or revocation, only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

Sec. A-18. Failure of Town to meet deadline not to risk applicant/permittee rights.
In the event that a Town official is required to act or to do a thing pursuant to this Article within a prescribed time, and fails to act or to do such thing within the time prescribed, said failure shall not prevent the exercise of constitutional rights of an applicant or permittee. If the act required of the Town official under this Article, and not completed in the time prescribed, includes approval of condition(s) necessary for approval by the Town of an application for a special amusement permit, the permit shall be deemed granted and the permittee allowed to provide activities or entertainment listed in 28-A M.R.S.A. § 1054(1) the day after the deadline for the Town's action has passed.
This Article and each section and provision of said Article hereunder, are hereby declared to be independent divisions and subdivisions and, not withstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said Article, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid. Should any procedural aspect of this Article be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this Article.

Any provision(s) in the Municipal Code of Ordinances, Town of Oxford, Maine specifically in conflict with any provision in this Article is hereby deemed inoperative and repealed. The Special Amusement Ordinance of the Town of Oxford of June 26, 1978 is hereby repealed.

This Article shall take effect and be in force from the time of its adoption by the voters of the Town of Oxford at Town Meeting.

This certifies to the municipal clerk of Oxford that the within ordinance is a true copy of an ordinance entitled Special Amusement Ordinance to be acted upon by the voters at a town meeting to be held on September 1, 2011.

Dated: August 18, 2011
Municipal Officers of Oxford
MINIMUM STREET REQUIREMENTS
ORDINANCE FOR
THE MUNICIPALITY OF OXFORD

Adopted, June 21, 2008
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Section I: PURPOSE

The purpose of the Ordinance is to promote the health, safety, and public welfare of the residents of the Municipality of Oxford by means of establishing minimum standards for streets.

Section II: AUTHORITY AND ADMINISTRATION

A. Authority

1. This Ordinance is adopted pursuant to Home Rules Powers as provided in Article VIII-A of the Maine Constitution and Title 30-A, M.R.S.A. (Maine Revised Statutes Annotated), § 3301 and §§ 4401 et. seq..

2. This Ordinance shall be known and cited as the Minimum Street Requirements Ordinance for the Municipality of Oxford, Maine.

B. Administration

1. This Ordinance shall be administered by the Board of Selectmen (hereinafter Board) for the Municipality of Oxford who shall consult with the Planning Board and the Road Commissioner.

2. The provisions of this Ordinance shall apply to all streets, as defined, located in the Municipality of Oxford.

Section III: EFFECTIVE DATE AND REPEAL OF FORMERLY ADOPTED MINIMUM STREET REQUIREMENTS FOR TOWN ACCEPTANCE

1. This Ordinance shall be effective upon passage by a majority vote of a Town Meeting.

2. Upon approval of this Ordinance, Minimum Street Requirements for Town Acceptance previously adopted is hereby repealed.

Section IV: APPLICABILITY

1. This Ordinance shall apply to all streets within the Town accepted as town ways after the effective date of this Ordinance, except that streets
under construction on the date this Ordinance is approved shall be completed under the provisions of the prior Minimum Street Requirements for Town Acceptance.

2. Alterations, widening and improvements of town ways shall be consistent with Section IX: General Requirements for all Street Construction of this Ordinance. Where the alterations, widening or improvements of town ways cannot be completed in accordance with this Ordinance, the Selectmen shall specify in writing the nature of any waivers of these standards.

3. Nothing in this Ordinance shall be construed to prevent the design and construction of streets which meet higher standards, use improved methods or higher quality materials. The determination of the acceptability of other standards, methods, or materials shall be made by the Board of Selectmen, with advice of the Planning Board and Town Road Commissioner.

Section V: APPLICATIONS

Prior to the construction of any new street or the reconstruction or lengthening of an existing street, an application shall be submitted to the Board of Selectmen. Persons (other than applicants for subdivision approval) petitioning for the laying out of a town way or dedicating a street in fee to the Town for acceptance as a town way shall submit the following information in the application:

1. Submission Requirements:
   a. The name(s) of the applicant(s),
   b. The name(s) of the owner(s) of record of the land upon which the proposed town way is to be located,
   c. A statement of any legal encumbrances on the land upon which the proposed town way is located,
   d. The anticipated starting and completion dates of each major phase of street construction, and
   e. A plan profile and typical cross-section views of all proposed streets.

2. Plans:
The plans and illustrations submitted as part of the application shall be prepared by a Registered Land Surveyor or Professional Engineer to include the following information:
   a. The scale of the plan (all streets and roadway plan and profile drawings
shall be drawn to a scale 1" equals 20' - 50' horizontal and 1" equals 5" - 10" vertical);

b. The direction of magnetic north;

c. The starting and ending point with relation to established roads, streets, or ways and any planned or anticipated future extensions of the streets proposed for acceptance (all terminal points and the centerline alignment shall be identified by survey stationing);

d. The roadway and roadway limits with relation to existing buildings and established landmarks;

e. Dimensions, both lineal and angular, necessary for locating boundaries, and necessary for locating subdivisions, lots, easements and building lines;

f. The lots as laid out and numbered on said street, showing the names of all owners of abutting property;

g. All natural waterways and watercourses in or on land contiguous to the said streets or ways;

h. The kind, size, location, profile, and cross-section of all existing and proposed drainage ways and structures and their relationship to existing natural waterways;

i. A soil erosion and sedimentation control plan showing interim and final control provisions;

j. Curve data for all horizontal and vertical curves shall be the center-line radius, arc length, beginning of curve and end of curve points;

k. All centerline gradients shall be shown and expressed as a percent;

l. All curve and property line radii of intersections;

m. The limits and location of any proposed sidewalks and curbing;

n. The name(s) of each proposed new road or street; and

o. The locations of all existing and proposed overhead and underground utilities. When locations in the case of underground utility are approximate, such approximate locations shall be noted on the plan as such. Locations include, but are not limited to, the following:
   i. Public water supply lines;
   ii. Sanitary sewer lines;
   iii. Storm drains;
   iv. Telephone line poles or underground vaults;
   v. Electrical power line poles or underground vaults;
   vi. Fire hydrants;
   vii. Street lights; and
   viii. Gas lines
Section VI: SUBDIVISION APPLICATIONS

Applicants for subdivisions as defined in Title 30A, M.R.S.A., §§ 4401 et. seq. and as subsequently amended, including developments where there are three or more units involved, such as mobile home parks, multiple family dwelling(s), condominiums, leased or rented dwelling units, divisions of structures for commercial or industrial use, shopping centers, and industrial parks and which contain proposed streets, shall submit to the Planning Board as an integral part of the plot plan all information concerning proposed street required in Section V, above.

Section VII: APPLICATION REVIEW

After receipt of a complete application, the Board of Selectmen shall notify the Planning Board and Road Commissioner requesting their review and written comments. After receipt of a complete application for subdivision approval that includes a proposed street(s), the Planning Board, shall notify the Board of Selectmen and Road Commissioner requesting their review and written comments. The Board of Selectmen shall take action on all applicants for street approval within 45 days of the receipt of a complete application.

Section VIII: PUBLIC ACCEPTANCE OF STREETS

The approval by the Board of Selectmen of a proposed street shall not be deemed to constitute or be evidence of any acceptance of the street by the Municipality of Oxford. Final acceptance of a proposed street shall be by an affirmative vote of Town Meeting.

Section IX: GENERAL REQUIREMENTS FOR ALL STREET CONSTRUCTION

1. Existing streets shall be extended at the same or greater width, and in no case shall they be extended at less than the Original width.

2. Street names shall require the approval of the Board of Selectmen. Streets that are obviously in alignment with streets already existing and named, shall be given the name of the existing street. Names of new streets shall not duplicate or closely approximate those of existing streets.
3. All street intersections shall be at angles as close to ninety degrees as possible. In no instances shall street intersections be at an angle less than sixty degrees.

4. The curb line radius at street intersections shall be at least 25 feet. Where the angle of the street intersects is less than ninety degrees, a longer radius may be required.

5. All dead-end Streets shall be provided at the closed end with a turn-around having a property line diameter of at least 130 feet and a traveled way radius of at least 50 feet. The use of a T-shaped turn-around will be permitted as an alternative when it is at least 24 feet wide, 40 feet long and located between 50 and 100 feet from the end of the street. All dimensions cited for the T-shaped turn-around are for the traveled way.

6. Drainage. Adequate provision shall be made for disposal of all surface water and underground water through ditches, culverts, underdrains, and/or storm water drainage systems. Provisions must be made for natural water courses.

   i. Catch-basins (of standard design) shall be built where necessary and culverts of proper size and capacity (at least 15 inches in diameter) will be installed at all watercourses with necessary headers.

   ii. Culverts will be tarred or galvanized corrugated steel, concrete, aluminum, or approved equivalent.

   iii. Slopes and ditches shall slope away from the shoulders of the road at a ratio of at least four (4) horizontal feet to one (1) foot vertical and never steeper than 2 to 1. In cases where this is not possible or practical as where the roadway cuts through the side of a hill, all cuts shall be made so that adjacent slopes will not slide. The tops and sides of all cuts shall be cleared of all trees, stumps and boulders for an adequate distance to prevent such material from sliding into the ditches. Banks will be loamed, seeded, and mulched.
7. All streets shall be rough graded to the full width of the traveled way and the shoulders.

8. Sidewalks. The Planning Board shall have the authority to designate whether sidewalks shall be required.

9. Utilities. Longitudinal runs of water and/or sewer mains shall be laid outside of the travel lanes and clear of any present or designated sidewalks. Utility poles shall be so placed that any present or designated sidewalks may be contained within the boundaries of the street or way without obstructions by poles or appurtenances.

10. Two concrete or stone monuments shall be installed at least 36 inches in length and 4 inches square with a suitable center point at each street intersection on the right-of-way line. An iron pin monument 3/4 inches in diameter and 36 inches long shall be installed at all points on boundary lines of lots where there is a change in direction and at all lot corners.

Section X: CLASSIFICATION OF STREETS - Streets are classified as follows:

1. Major Streets - Streets that carry "through traffic" from community to community, or to and from major traffic generators within a community.

2. Collector Streets - Streets which carry traffic to and from the major streets to the local streets. Collector streets also provide access to business, commercial and industrial areas.

3. Local Streets - Streets which provide access to residential properties where through traffic is not desired.

Section XI: DESIGN AND CONSTRUCTION STANDARDS

<table>
<thead>
<tr>
<th>ITEM</th>
<th>MAJOR</th>
<th>COLLECTOR</th>
<th>LOCAL</th>
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<tbody>
<tr>
<td>1. Minimum Width of Right-of-Way</td>
<td>80'</td>
<td>60'</td>
<td>60'</td>
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<tr>
<td>2. Minimum Width of Pavement</td>
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<td>20'</td>
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<td>3. Minimum Grade</td>
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<td>4. Maximum Grade</td>
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<td>5.</td>
<td>Maximum Grade at Intersections</td>
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<td>6.</td>
<td>Minimum Angle of Intersections</td>
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<td>7.</td>
<td>Width of Shoulders</td>
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<td>8.</td>
<td>Minimum Center Line Radii on Reverse Curves</td>
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<td>9.</td>
<td>Minimum Tangent Length Between Reverse Curves</td>
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<td>10.</td>
<td>Road Base (minimum)</td>
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<td>Sub-Base</td>
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<td>Upper Base</td>
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<td>11.</td>
<td>Paving</td>
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<td>12.</td>
<td>Road Crown (minimum)</td>
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<td>Sidewalks (where required)</td>
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<td>Base</td>
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<td>Pavement</td>
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<td>Dead End Street (width)</td>
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<td>Length, not more than</td>
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<td>Radii of property line at end</td>
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<td>Radii of pavement at turn around end</td>
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<td>15.</td>
<td>Property Line Radii at Intersections</td>
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<td>16.</td>
<td>Curb Radii:</td>
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<td>At Intersections 90 degrees</td>
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<td>At Intersections less than 90 degrees</td>
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<td>17.</td>
<td>Minimum Distance Between Intersections</td>
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* Bituminous hot top

**Section XII: GUARANTEE, SECURITY, OR PERFORMANCE BOND**

A. The Board of Selectmen (or the Planning Board if a Subdivision street) may require as a condition of approval that at the time of approval and prior to any construction a performance guarantee in an amount sufficient to defray all expenses of the proposed improvements including but not limited to streets, sidewalks, utilities, storm drains, etc. This may be tendered in form of a certified check payable to the Municipality of Oxford, a savings account or
certificate of deposit assigned to the Municipality of Oxford, or a faithful performance bond running to the Municipality of Oxford and issued by a surety company acceptable to the Board of Selectmen (or the Planning Board if a Subdivision street). The conditions and amount of such a security bond shall be determined by the Board of Selectmen (or the Planning Board if a Subdivision street) with the advice of various municipal officers concerned. The amount shall be sufficient to insure the furnishing, installing, connecting and completing all improvements specified on the approved plan within two years of the date of the certified check or performance bond. If the street(s) or subdivision is to be completed in phases, the Board of Selectmen (or the Planning Board if a Subdivision street) may require a performance guarantee for each phase rather than a single guarantee for the entire street(s) or subdivision provided each phase conforms to the two-year completion requirement of this section.

B. The Board of Selectmen (or the Planning Board if a Subdivision street) may recommend a maximum extension of 12 months to the guaranteed performance period when it can be demonstrated to the satisfaction of the Board of Selectmen (or the Planning Board if a Subdivision street) and other interested officials or agencies, good cause for such extension. Such recommendation for extension shall be referred to the Board of Selectmen by the Planning Board if a Subdivision street for official action.

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

Section XII: INSPECTION OF REQUIRED IMPROVEMENTS

A. At least ten (10) days prior to commencing construction of improvements or alteration of roads and utilities, the Town Manager shall be notified in writing of the time when the proposed construction of such improvements is to commence so that the municipal officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met
during the construction of required improvements and to assure the satisfactory completion of improvements and utilities required by the Board of Selectmen (or the Planning Board if a Subdivision street). At this time an inspection fee equal to 2% of the estimated cost of the required improvements shall be paid to the Municipality of Oxford. In the alternative, an inspection fee equal to the estimated cost of inspection by an engineer appointed by the Selectmen shall be paid by check to the Municipality of Oxford stating the purpose of the fee.

B. If the Municipal Building Inspector or Engineer or appointed engineer shall find, upon inspection of the improvements performed before expiration date of the guarantee or security arrangement or performance bond required by Section X that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the municipal officers, Building Inspector and Board. The municipal officers shall then notify the subdivider and if necessary, the bonding company, and take all necessary steps to preserve the municipality's rights under the guarantee, security or bond. No plan shall be approved by the Board as long as the subdivider is in default on a previously approved plan.

C. If at any time before or during the construction of the street and any required improvements it is demonstrated to the satisfaction of the Municipal Building Inspector or Engineer or appointed engineer that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements the municipal Building Inspector or Engineer or appointed engineer may, upon approval of the Board of Selectmen (or the Planning Board if a Subdivision street), authorize modifications provided these modifications are within the spirit and intent of the Board of Selectmen (or the Planning Board if a Subdivision street) approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board of Selectmen (or the Planning Board if a Subdivision street). The Municipal Engineer or appointed engineer shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Board of Selectmen (or the Planning Board if a Subdivision street) at its next regular meeting.

D. The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the town.
Section XIV: RELEASE OF GUARANTEE, SECURITY, OR PERFORMANCE BOND

Before an applicant may be released from any obligation required by his guarantee of performance, the Board of Selectmen (or the Planning Board if a Subdivision street) will require certification from the Municipal Engineer or appointed engineer and whatever other agencies and departments that may be involved, to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards, State and local codes and ordinances.

Section XIII: VARIANCES AND WAIVERS

A. Where the Board of Selectmen (or the Planning Board if a Subdivision street) finds that extraordinary and unnecessary hardships may result from strict compliance with these standards or where there are special circumstances of a particular plan, it may vary these standards so that substantial justice may be done and the public interest secure; provided that such variations will not have the effect of nullifying the intent and purpose of the Comprehensive Plan, Minimum Lot Size Ordinance or other Town Ordinance.

B. Where the Board of Selectmen (or the Planning Board if a Subdivision street) finds that, due to special circumstances of a particular Plan, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

C. In granting variances and modifications, the Board of Selectmen (or the Planning Board if a Subdivision street) shall require such conditions as will, in its judgment, secure substantially the objective of the requirements so varied or modified.

Section XVI: AMENDMENTS

This Ordinance may be amended by a majority vote of the Town Meeting. Amendments may be initiated by a majority vote of the Board of Selectmen or by request of the Planning Board to the Board of Selectmen or on petition of 10% of the votes cast in the last gubernatorial election in the Municipality of Oxford. The Board of Selectmen (or the Planning Board if a proposed amendment relates to subdivision streets) may conduct a public hearing on any proposed amendment.
Section XVII: APPEALS

An appeal may be taken within thirty (30) days from a Board of Selectmen’s decision on the application by any party to the Superior Court in accordance with the Maine Rules of Civil Procedures and if a Subdivision street a Planning Board’s decision in the Preliminary Plan or Final Plan by any aggrieved person or party to the Board of Appeals, Municipality of Oxford.
ZONING ORDINANCE
FOR
THE MUNICIPALITY OF OXFORD

Adopted June 21, 2008
Revised June 21, 2008
Revised January 06, 2011
Revised December 12, 2012
Revised September 19, 2013
Revised April 2, 2016
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ZONING ORDINANCE
FOR
THE MUNICIPALITY OF OXFORD

Section 1. Purposes

The purposes of this Ordinance are to promote the health, safety and general welfare of the people; to further the maintenance of safe and healthful conditions; to encourage the most appropriate use of the land throughout the Town; to protect the environment; to provide for the orderly development of a sound and stable community; to conserve natural resources; to provide for safe and adequate public services; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater and 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.

Section 2. Authority

This Ordinance is adopted pursuant to Title 30-A, § 3001 and § 4352 and Title 38 §§ 435-455 of the Maine Revised Statutes Annotated (M.R.S.A.).

Section 3. Applicability

A. All buildings or structures hereinafter erected, reconstructed, altered, enlarged or moved, and uses of premises in the Town of Oxford shall be in conformity with the provisions of this Zoning Ordinance and/or the Shoreland Zoning Ordinance. Unless a variance is granted, no building, structure, land or water area shall be used for any purpose or in any manner except as permitted within the District in which such building, structure, land or water area is located, and no new lot shall be created unless in conformity with all of the regulations specified herein and/or in the Shoreland Zoning Ordinance for the District in
which it is located.

B. This Zoning Ordinance applies to all land areas in the Town of Oxford. In areas covered by the Shoreland Zoning Ordinance, those standards apply in addition to the standards provided in this Zoning Ordinance, such that the Shoreland Zoning standards function as an overlay, with the stricter standards governing.

C. **Shoreland Zone:** Where reference is made to the Shoreland Zone, it shall refer to the land 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, or within 75 feet horizontal distance of the normal high-water line of the normal high water line of a stream.

**Section 4. Effective Date and Repeal of Formerly Adopted Ordinance**

A. This Ordinance shall be effective upon passage by a majority vote of a Town Meeting.

B. Upon approval of this Ordinance, all zoning ordinances previously adopted are hereby repealed.

**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

A. This Ordinance may be amended by majority vote of the town meeting.

B. Initiation of Amendments: An amendment to this Ordinance may be initiated by:

1. The Planning Board, provided a majority of the Board has so voted;

2. Request of the municipal officers; or

3. Written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.

C. Public Hearing Required: The Planning Board shall hold a public hearing on the proposed amendment at least 20 days prior to the Town Meeting. Notice of the hearing shall be published twice in a newspaper of general circulation in the area. The date of the first publication must be at least 14 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing. That notice must be written in plain English, understandable by the average citizen.

D. If the amendment involves re-zoning a land area to permit or prohibit industrial, commercial, or retail development where it was or was not permitted before, the following additional hearing notice requirements must be met:

1. Notice of the hearing must be posted in the municipal office at least 14 days before the public hearing;

2. For each parcel in and abutting the area to be rezoned, a notice including a map of the area to be rezoned must be mailed to its owner at least 14 days before the public hearing. A record of names and addresses to whom these notices are mailed shall be maintained by the Planning Board.

3. Notices must contain a copy of a map indicating the property to be rezoned.
Section 9. Districts and Zoning Map

A. Official Zoning Map

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

1. Village*
2. Industrial*
3. Mixed Use
4. Residential*
5. Rural*
6. Mill Redevelopment*
7. Airport Protection Overlay
8. Aquifer/Wellhead Protection Overlay
9. Shoreland Zone: The Shoreland Zone also encompasses some areas within the districts identified by *:
   a. Resource Protection District
   b. Shoreland Residential District
   c. General Development District
   d. Stream Protection District

B. Certification of Official Zoning Map

The Official Zoning Map shall be certified by the attested signatures of the Municipal Clerk and the Chairperson of the Planning Board and shall be located in the municipal office.

C. Changes to the Official Zoning Map

If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made by the Planning Board on the Official Zoning Map within thirty (30) days.

Section 10. Interpretation of District Boundaries

A. Unless otherwise indicated, district boundary lines are the center lines, plotted
at the time of adoption of this Ordinance of streets, alleys, parkways, waterways, or rights-of-way of utilities and railroads.

B. Boundaries indicated as following plotted lot lines shall be construed as following such lot lines.

C. Other district boundary lines which are not listed in the preceding paragraphs shall be considered as lines paralleling a street and at distances from the edge of the right-of-way of such streets as indicated by the Official Zoning Map on file in the Municipal Office. In the absence of a written dimension, the graphic scale of the Official Zoning Map shall be used.

D. Sources of the delineation of the Resource Protection District comprised of the 100 year floodplain along the Little Androscoggin River shall be the most recent Federal Emergency Management Agency maps.

E. The Planning Board shall make interpretations, where needed, as to the exact location of district boundaries.

Section 11. Land Use/Permit Requirements

A. Except as hereinafter specified, no building, structure or land or water area 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 specified in the Ordinances of the Municipality of Oxford for the District in which it is located, unless a variance is granted.

B. Further, no building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the Code Enforcement Officer, or, in the case of the Shoreland Zone, as specified in the Shoreland Zoning Ordinance for the Municipality of Oxford, except after written order from the Board of Appeals. Sources of the delineation of the Resource Protection District comprised of the 100 year floodplain along the Little Androscoggin River shall be the most recent Federal Emergency Management Agency maps.

C. No person, firm, or corporation shall move, bring, or cause to be brought onto any parcel of land in the Town of Oxford, any mobile or modular home or other prefabricated structure without first securing a permit to do so from the
Code Enforcement Officer. (Exception: Manufactured Housing Dealers (but not Manufactured housing Developer Dealers) licensed by the State of Maine Manufactured Housing Board may bring in mobile and modular homes for display or storage at their primary business location or any branch locations licensed by the State of Maine Manufactured Housing Board without a permit. Such display or stored homes shall not be used as a dwelling.)

D. Certificate of Occupancy

1. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure (including any mobile and modular home and any prefabricated structure not used for display purposes) until a Certificate of Occupancy shall have been issued therefor by the Code Enforcement Officer and endorsed to the effect that the proposed use of the building or land conforms with the requirements of the Ordinances of the Municipality of Oxford.

Mobile and modular homes and prefabricated structures used in any manner for display purposes shall not be used as residence(s).

2. No Building Permit shall be issued until an application has been made for a Certificate of Occupancy, and the Certificate of Occupancy shall be issued in conformity with the provisions of the Ordinances of the Municipality of Oxford upon completion of the building or premises.

3. A temporary Certificate of Occupancy may be issued by the Code Enforcement Officer for a period of six months during construction or alterations for partial occupancy of a building or premises pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

4. A Certificate of Occupancy is not required for vacation trailers or recreational vehicles for periods of occupancy of less than sixty days in any calendar year. A temporary certificate of occupancy for these may be issued for longer periods of occupancy not exceeding six months, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.
5. The Code Enforcement Officer shall maintain a public record of all Certificates of Occupancy.

Section 12. Nonconformance (See definition of non-conforming structures, non-conforming uses and non-conforming lots.)

A. Purpose

It is the intent of this Ordinance to promote land use conformities, except that nonconforming conditions that legally existed before March 11, 1995 or before the effective date of any amendments to this Ordinance shall be allowed to continue, subject to the requirements set forth in this section.

B. General

1. The use of land, building, or structure, lawful at March 11, 1995 or subsequent amendment of this Ordinance, may continue although such use does not conform to the provisions of this Ordinance.

2. Transfer of Ownership: Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Ordinance.

3. Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs and renovations that do not involve expansion of 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.

4. If a nonconforming building or structure is destroyed, it may be rebuilt provided that construction is commenced within one year after the destruction of the building or structures and is substantially completed within two years after such destruction.

5. Nonconforming use rights cannot arise by the mere filing of a notice of intent to build, an application for a building permit, or an application for...
required state permit(s) and approval(s). Such rights arise when the review process on an application commences. Such construction must be legal at the time it is commenced, and the owner must be in possession of and in compliance with all validly issued permits, both state and local.

6. Nothing in this Ordinance shall prevent the strengthening or restoring to safe condition any part of any building declared unsafe by the Code Enforcement Officer.

C. Nonconforming Structures

1. Expansions: A nonconforming use or structure may be added to or expanded after obtaining approval from the Planning Board provided that:

   (a) The addition or expansion does not increase the nonconformity of the structure;

   (b) The expansion of the nonconforming use may not be for the purpose of changing that use to another nonconforming use; and

   (c) The expansion of a nonconforming use will be in accordance with any applicable Performance Standards set forth in Section 16 of this Ordinance.

   (d) **Shoreland Zone:** See the **Shoreland Zoning Ordinance for the Municipality of Oxford.**

2. Resumption Prohibited: A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use unless:

   (a) The discontinuance was the direct result of governmental action requiring a temporary suspension or interruption of the non-conforming use even though the temporary suspension or interruption of the nonconforming use exceeded twelve calendar months, or

   (b) The Planning Board, for good cause shown by the applicant, before the anniversary of the discontinuance grants up to a one year extension to
that time period.

D. Nonconforming Lots

1. Nonconforming Lots: A nonconforming lot of record as of March 11, 1995 may be built upon, without the need for a variance, provided that such lot was in separate ownership on March 11, 1995 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 were in a single or joint ownership of record on March 11, 1995, and if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure existed on each lot, the nonconforming lots may be conveyed separately or together, provided that each lot complies with the provisions of the Ordinances of the Municipality of Oxford and with the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules.

If two or more principal uses or structures existed on a single lot of record on March 11, 1995, each may be sold on a separate lot provided that each complies with the above referenced law and rules. When such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of the Ordinances of the Municipality of Oxford as determined by the Planning Board.

3. Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels were in single or joint ownership of record on March 11, 1995, and if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure, then the lots shall be combined to the extent necessary to meet the dimensional requirements.

Section 13. Establishment of Districts

A. Shoreland Zone Districts - See the Shoreland Zoning Ordinance for the Municipality of Oxford.
B. Other Districts

1. **Village:** The Village District includes the traditional developed area of the Town. Development is denser than in other areas and covers a broad mixture of land uses including commercial, public and residential. The Village area is a vital and active area, and this District seeks to maintain the existing character and land use mix.

2. **Industrial:** The Industrial District provides for existing areas of, or areas suitable for, manufacturing, processing, treatment, research, warehousing, distribution, and other industrial activities.

3. **Mixed Use:** The Mixed Use District is intended to provide for commercial and residential uses. Commercial uses are general retail sales, services and business space within the Town. Services may include assembly or fabrication of materials when there is no exterior storage and no noticeable noise, vibration or odors at the property line. The locations of the Mixed Use District will be capable of conveniently servicing community wide and regional trade areas and of providing for residential development.

4. **Residential:** The Residential District includes areas currently developed primarily as urban and suburban type residential and extends to areas suited for medium density residential development.

5. **Rural:** The Rural District comprises the majority of the generally low density residential areas in the Town. It is the intent of this District to maintain the area's general rural nature.

6. **Mill Redevelopment District:** The Mill Redevelopment District encompasses the historic mill property within the traditional village area. The purpose of this district is to allow for the thoughtful redevelopment of the historic mill structures and other nearby parcels with a mixture of residential, commercial or light manufacturing uses appropriate in scale, design and density to this area of the Town.

7. **Wellhead and Ground Water Protection Overlay Zone:** The purpose of this overlay zone is to protect the Town's major existing and potential ground water supply sources from adverse development or land use
practices that have the potential to reduce the quality and quantity of ground water that is now and, in the future, will be available for use by the municipalities, individuals and industries.

8. Airport Protection Overlay Zone: The purpose of this overlay zone is to regulate airspace obstructions which would negatively impact current and future airport operations.

Section 14. Table of Land Uses

All land use activities, as indicated in the Land Use Table 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 Zoning Map.

A. Land Use Table1:

<table>
<thead>
<tr>
<th>Table Key</th>
<th>Abbreviations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes: Allowed, no review or permit required2</td>
<td>Vil: Village</td>
</tr>
<tr>
<td>No: Prohibited</td>
<td>Ind: Industrial</td>
</tr>
<tr>
<td>PB: Requires Site Plan Review permit issued by the Planning Board</td>
<td>MU: Mixed Use</td>
</tr>
<tr>
<td>CEO: Requires permit issued by the Code Enforcement Officer</td>
<td>R: Residential</td>
</tr>
<tr>
<td></td>
<td>RU: Rural</td>
</tr>
<tr>
<td></td>
<td>MR: Mill Redevelopment</td>
</tr>
</tbody>
</table>

1 See the Shoreland Zoning Ordinance for the Municipality of Oxford for allowed uses within the Shoreland Zone districts.

2 Must comply with applicable land use standards. A building permit and permits required by other ordinances may still be needed.

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>Vil</th>
<th>Ind</th>
<th>DISTRICTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Non-intensive recreational uses not requiring structures such as hunting, fishing, and hiking</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<tr>
<td>2. Motorized vehicular traffic on existing roads and trails</td>
<td>yes</td>
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<tr>
<td>3. Forest management activities except for timber harvesting</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
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<tr>
<td>4. Timber harvesting1</td>
<td>yes</td>
<td>yes</td>
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<tr>
<td>5. Clearing of vegetation for approved construction and other allowed uses1</td>
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<td>yes</td>
<td>yes</td>
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<td>6. Fire prevention activities</td>
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<td>7. Wildlife management practices</td>
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<td>8. Soil and water conservation practices</td>
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<tr>
<td>9. Mineral exploration1</td>
<td>yes</td>
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</table>

LAND USES (Continued)
10. Mineral extraction including sand and gravel extraction >100 yds/12 mo

11. Surveying and resource analysis

12. Emergency operations

13. Agriculture

14. Aquaculture

15. Residential
   A. Single family residential
   B. Two-family residential
   C. Mobile home
   D. Mobile home park
   E. Multi-family dwellings
   F. Community living facility
   G. Cluster development

16. Commercial
   A. General
   B. Gasoline station/convenience store
   C. Motels and hotels
   D. Service and retail
   E. Restaurant
   F. Forestry/agricultural related sales, services
   G. Home occupation
   H. Wholesale business
   I. Research facilities
   J. Automotive race tracks
   K. Amusement Facility/Comm. Recreation
   L. Auto Repair/Sales
   M. Auto Wash
   N. Bed & Breakfast
   O. Firewood Processing
   P. Indoor Theater
   Q. Kennel, Veterinary Hospital
   R. Stable
   S. Offices: Business, Professional & Medical
   T. Funeral Home
   U. Auction Barn
   V. Antique Sales
   W. Yard Sales
   X. Flea Market
   Y. Day Care Facility
   Z. Addiction Treatment Facility

17. Industrial
   A. General
   B. Waste processing or disposal facility
   C. Warehousing & outdoor storage
   D. Light Manufacturing
   E. Airport
   F. Use, generation, storage or processing of hazardous waste
   G. Auto graveyard & junkyards
   H. Recycling operations
   I. Bottle redemption centers
   J. Trucking & distribution terminals

<table>
<thead>
<tr>
<th></th>
<th>Vil</th>
<th>Ind</th>
<th>MU</th>
<th>R</th>
<th>RU</th>
<th>MR</th>
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<td>12. Emergency operations</td>
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<td>C. Motels and hotels</td>
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<td>Q. Kennel, Veterinary Hospital</td>
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<td>V. Antique Sales</td>
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<td>Y. Day Care Facility</td>
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<td>Z. Addiction Treatment Facility</td>
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<td>C. Warehousing &amp; outdoor storage</td>
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<td>F. Use, generation, storage or processing of hazardous waste</td>
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<td>G. Auto graveyard &amp; junkyards</td>
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<td>K. Abattoirs</td>
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<td>MU</td>
<td>R</td>
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<tr>
<td>L. Forestry/agricultural related processing</td>
<td>PB</td>
<td>PB</td>
<td>no</td>
<td>PB</td>
<td>no</td>
<td>no</td>
</tr>
<tr>
<td>M. Wastewater treatment facility</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>no</td>
<td>no</td>
<td>PB</td>
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<tr>
<td>N. Hydropower generation facility</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
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<tr>
<td>18. Government and Institutional</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. Public/private schools</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>B. Church, synagogue, parish house</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>C. Library/museum</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>D. Community centers</td>
<td>PB</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>E. Fire/police station</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>F. Government office</td>
<td>PB</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>G. Private &amp; semi-public clubs</td>
<td>PB</td>
<td>no</td>
<td>PB</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>H. Nonprofit clubs, lodges</td>
<td>PB</td>
<td>no</td>
<td>PB</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>I. Municipal demolition debris processing/disposal</td>
<td>no</td>
<td>PB</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>no</td>
</tr>
<tr>
<td>19. Cemetery</td>
<td>PB</td>
<td>no</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>no</td>
</tr>
<tr>
<td>20. Structures accessory to allowed uses</td>
<td>CEO</td>
<td>yes</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>21. Piers, docks, wharfs, bridges, &amp; other structures &amp; uses extending over or below the normal high water line or within a wetland</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>22. Conversions of seasonal residences to year-round residences</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>23. Private sewage disposal systems for allowed uses</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>no</td>
</tr>
<tr>
<td>24. Essential services</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>25. Service drops, as defined, to allowed uses</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>26. Public and private recreational areas involving minimal structural development</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>27. Individual, private campsites</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>no</td>
</tr>
<tr>
<td>28. Campgrounds</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>no</td>
</tr>
<tr>
<td>29. Road and driveway construction</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>30. Parking facilities</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>31. Marinas</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>32. Filling and earthmoving &lt;10 cubic yards</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
</tr>
<tr>
<td>33. Filling and earthmoving &gt;10 cubic yards</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>34. Signs (new or replacement)</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>35. Development on slopes greater than 20%</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>36. Sludge Spreading</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>no</td>
<td>PB</td>
<td>no</td>
</tr>
<tr>
<td>37. Agricultural Composting</td>
<td>no</td>
<td>PB</td>
<td>CEO</td>
<td>yes</td>
<td>PB</td>
<td>no</td>
</tr>
<tr>
<td>38. Golf Course</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>no</td>
<td>PB</td>
<td>no</td>
</tr>
<tr>
<td>39. Uses similar to allowed uses</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>40. Uses similar to uses requiring a CEO permit</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
<td>CEO</td>
</tr>
<tr>
<td>41. Uses similar to uses requiring a PB permit</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>42. Medical Marijuana Registered Dispensary And/or Cultivation Facility</td>
<td>no</td>
<td>no</td>
<td>PB</td>
<td>no</td>
<td>no</td>
<td>no</td>
</tr>
</tbody>
</table>

1. Within the Shoreland Zone see the Shoreland Zoning Ordinance of the Municipality of Oxford.
2. Only business related to agriculture and forestry permitted.
3. In structures existing on March 1, 1995 only.
4. Outdoor storage only if screened from public view.
5. Manufactured Housing Developer Dealers are restricted to approved residential building lots with a building permit for each home.
6. A low-intensity, high tech type of manufacturing use to be located in one of the mill buildings in existence at the time of the adoption of this ordinance which is consistent with the character of the district.
B. **Industrial:** Any uses which are allowed in the Mixed Use District other than residential use and addiction treatment facilities shall be allowed in the Industrial District. All such uses shall require Site Plan Review approval by the Planning Board.

**Section 15. Land Use Standards**

**A. All Land Uses:** All land use activities shall conform with the following provisions:

1. **Minimum Lot Standards Table**

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Size (sq. ft.)</th>
<th>Minimum Road Frontage (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>with sewer &amp; water</td>
<td>with water &amp; or sewer</td>
</tr>
<tr>
<td></td>
<td>only</td>
<td>without water</td>
</tr>
<tr>
<td>Village</td>
<td>20,000</td>
<td>20,000</td>
</tr>
<tr>
<td>Industrial</td>
<td>15,000</td>
<td>40,000</td>
</tr>
<tr>
<td>Mixed Use</td>
<td>15,000</td>
<td>40,000</td>
</tr>
<tr>
<td>Residential²</td>
<td>20,000</td>
<td>40,000¹</td>
</tr>
<tr>
<td>Rural</td>
<td>80,000</td>
<td>80,000²</td>
</tr>
<tr>
<td>Groundwater</td>
<td>10,000</td>
<td>N.A.</td>
</tr>
<tr>
<td>Protection Overlay</td>
<td>120,000</td>
<td>120,000</td>
</tr>
</tbody>
</table>

Shoreland Zones - See the Shoreland Zoning Ordinance for the Municipality of Oxford

¹ Lot sizes maybe reduced to 20,000 sq. ft. where there are plans to provide sewer and water to the lot within two years from the date on which the Site Plan is approved.

² Lots and frontage requirements may be reduced to that required for lots with water and/or sewer service provided that the Town Capital Investment Plan includes extension of the service(s) to the area and that funds have been allocated to the project. Additionally, development on such reduced lots must connect to the services within 90 days of their provision. The Town may restrict permits and condition reviews upon such connection.

³ Water service shall be extended to houses/uses constructed in the Village District.

⁴ Provided that for multi-family dwellings or commercial structures, the minimum lot area per dwelling unit or commercial tenant shall be 4,000 square feet.

2. **Setback Standards Table**

<table>
<thead>
<tr>
<th>Minimum Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum</td>
</tr>
</tbody>
</table>

- 14 -
1 Setbacks from public roads or streets shall be measured from the edge of the right-of-way, and setbacks from privately owned roads shall be measured from the middle of the traveled way except in the Mill Redevelopment District where setbacks in all cases as measured from the edge of the road pavement provided no structures (other than sidewalks and utilities) may be permitted within the right of way.

2 Road and Side Setbacks may be reduced in keeping with historical development on adjacent and nearby lots.

3 Where new commercial or industrial development abuts residential areas, there will be an additional 25 foot landscaped buffer on the side abutting the residential use.

4 Road setbacks for aircraft hangars at the Oxford County Airport may be reduced to allow the hangars to be set back to the greatest practical extent from the runway.

5 Unless abutting parcel is located in another zoning district, in which case side and rear setbacks for any new structure shall be a minimum of 15 feet.

**B. All Districts: General Requirements**

The following requirements shall apply to all districts.

1. Principle Dwelling or Structure: If more than one principle dwelling unit or structure is constructed on a single lot other than in the Mill Redevelopment District, all dimensional requirements shall be met separately for each such principle dwelling unit or structure, notwithstanding other provisions of this Ordinance.

2. Accessory Buildings: Garages and accessory buildings shall meet all setback requirements.

3. No person shall reduce the size of any lot on which a building (structure) is located to a size or frontage less than that required by this section. If more than one residential unit or principal structure is constructed on a single parcel in other than the Mill Redevelopment District, the minimum lot area.
and frontage requirements shall be met for each additional dwelling unit or principal structure.

4. Height Restrictions: No building (structure) shall exceed (65) feet in height on Main Street and/or Mechanic Falls Road in Mix Use Zone only. This restriction shall not apply to farm buildings not used for human habitation, windmills, antennas, transmission towers, church steeples, flagpoles, and chimneys.

5. Back Lots: A back lot can be created if a legal right-of-way 60' wide can be provided without reducing frontage and area requirements of the front lot or lots below specified minimums, if the back lot dimensions are such that a rectangle 200' x 200' can be accommodated within the lot lines, and if the lot size for that zone can be met. A structure built on a back lot shall have a setback from the public or private road that established the lot's frontage requirements, equal to or greater than the minimum frontage requirements for that district; except in Mill Redevelopment the minimum right-of-way is 24' with a minimum paved traveled width of 20' to be maintained throughout the length of the road.

6. Flood Elevations: The first floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.

7. 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.

C. Ground Water Protection Overlay District

1. Purpose: To protect the Town's major existing and potential ground water supply sources from adverse development or land use practices that have the potential to reduce the quality and quantity of ground water that is now and in the future will be available for use by the municipality, individuals and industries.

2. Establishment and Delineation of Ground Water Protection Overlay
District: For the purpose of this Ordinance, there are hereby established within the Town certain ground water protection overlay districts, consisting of aquifers and/or aquifer recharge areas, which are delineated on the zoning map. Aquifers and aquifer recharge areas are defined by standard geologic and hydrologic investigations which may include drilling observation wells, performing pumping tests, water sampling, ground water modeling, and geologic mapping. New areas identified by any of these methods may be added to this Ordinance by amendment.

The delineation of the Ground Water Protection Overlay District on the map may be revised by Town Meeting, upon recommendation of the Planning Board, as the extent of the aquifers or recharge areas is more accurately defined.

Where the bounds as delineated are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where they should properly be located. At the request of the owner(s), the Town may engage a professional geologist or soil scientist to determine more accurately the location and extent of an aquifer or recharge area, and may charge the owner(s) for all or part of the cost of the investigation.

Where there is conflict between the overlay district and the underlying district, the more restrictive shall apply.

3. Permitted Uses: Any use which is permitted by existing Town zones which is not prohibited, or does not require a Site Plan Review Permit is allowed.

4. Site Plan Review: The following uses are allowed in the underlying District only upon the authorization of a Site Plan Review Permit by the Planning Board.

a. Septic systems and sewage disposal systems, or any enlargement or alteration thereof which need approval from the Department of Human Services of the State of Maine; as referred to in Section 3: 10 Part II, Maine State Plumbing Code;

b. Manure pile and manure storage pit;

c. Animal feedlot;
d. The flooding of mined land;

e. Cemetery; and

f. Spraying or spreading of chemical fertilizers or pesticides after written approval by the U.S. Department of Agriculture, Soil Conservation Service.

5. Prohibited Uses: The following uses are prohibited in the Ground Water Protection Overlay District.

a. Abandoned wells;
b. Automotive service stations;
c. Automotive body repair shop;
d. Bulk storage of pesticides and herbicides;
e. Cabinet and furniture making/refinishing;
f. Chemical reclamation;
g. Chemical storage;
h. Dry cleaning;
i. Electronic manufacturing;
j. Hazardous waste, bulk storage, reclamation, or disposal;
k. Heat treaters, smelters, annealers, scalers;
l. Junkyards, salvage yards, and used tire storage;
m. Laundromats;
n. Metal plating facilities;
o. Multifamily dwellings;
p. Open storage of road salt/sand;
q. Petroleum storage;
r. Photograph processing;
s. Snow dumps;
t. Wastewater impoundments;
u. Wood treatments and preserving;

6. Additional Application Requirements for Site Plan Review for Certain Activities within the Ground Water Protection Overlay District.

The following sections require additional information needed for applications for Site Plan Review for activities within the Ground Water
Protection Overlay District. The Planning Board may waive such requirements that are not applicable to the activity being considered.

a. Waste handling

- provisions for solid waste handling, storage and disposal
- provisions for sanitary facility
- description of source of water, use of water and final water quality
  (water quality parameters to be specified by applicant)

b. Storm water

- plans which provide:
  - design and capacity of subsurface storm water collection facilities
  - design of dry wells, storage, retention or detention facilities and other surface water impoundments
  - storm water system outlets
  - delineation of post development drainage areas
  - plans for ice control, use of road salt, and snow removal

c. Petroleum Products, Hazardous Materials, and Other Chemicals:

- Type of volume of chemical compounds handled and/or stored
- Site plan showing all storage, handling and use areas for raw materials and wastes
- Exact location of tanks, piping and separators so that inspection, detection, clean-up or other emergency measures can be accomplished in a timely, efficient manner
- A design of the containment system for the bulk storage tanks prepared by a Professional Engineer registered in the State of Maine
- A hydrogeological report which will vary in scope depending on the general nature of the geology, the size and design of the facility, and the need for ground water monitoring. At a minimum, the hydrogeologic report should characterize the geology, determine the ground water gradients, and analyze the potential for ground water degradation from the activity. The analysis should contain a list of potential threats and recommend methods of controlling those threats.
- Provisions and designs for all floor drains, grease traps and holding
tanks.

-For outside areas, provisions to contain spills including drainage and contour information to prevent the flow of runoff from entering the storage area and which keep leaks or spills from flowing off site.

-Provisions to collect chemicals should they enter the drainage system.

-Provisions to segregate underground systems to insure that there are no cross connections.

-Statement of emergency measures which can be implemented for surface drainage systems.

-For inside areas, provisions to contain spills including the:
  i. Design of dikes around rooms;
  ii. The location of floor drains and floor drain outlets;
  iii. The location of separators, holding tanks and/or drain outlets.
  iv. The specific location and design of underground storage structures.
  v. The location and design of piping systems for wash waters and other waste liquids to insure that wastes are discharged to appropriate sewers or treatment systems.

-A spill prevention and control and countermeasure (SPCC) plan detailing:
  i. Materials and equipment to be available
  ii. A training plan and schedule
  iii. List of contacts (EPA/DEP/local fire officials) with phone numbers
  iv. An inspection schedule

-A report by an industrial engineer or other competent professional detailing:
  i. Steps which have been taken to reduce the use of hazardous materials; and
  ii. Actions which have been taken to control the amount of wastes generated.
  iii. Any reports to provide information on the design theory or methodology for the above features

7. Control of Existing Threats

a. The Code Enforcement Officer shall have the right to enter and inspect
all premises which carry on the uses listed in the preceding table and requiring Site Review due to their location in the Groundwater Protection District. The Code Enforcement Officer may be accompanied by a representative of the Water District including a consultant employed by them.

Further, the Code Enforcement Officer shall have the right, upon 24 hour notice, to conduct such testing as the municipality may deem appropriate to determine that Management Practices and groundwater pollution control devices are in good condition and are working properly. Such testing shall be at the municipality's or water district's expense. If such testing indicates that the groundwater has been contaminated above the State Primary or Secondary Drinking Water Standards, then further testing shall be at the expense of the existing owner of the land in question. Additionally, the owner shall reimburse the municipality and/or district for expenses incurred in the initial well installation and testing.

b. The municipality and the water district shall have the right to install groundwater monitoring wells and shall further maintain the right to sample such wells on properties within the Groundwater Protection Overlay District when the municipality or district can clearly show that groundwater monitoring in the area will serve to protect the public water supply from existing or potential threats.


D. Airport Overlay

1. Purpose: To minimize manmade obstructions within the critical approach zones of the Oxford County Airport.

2. Establishment and Delineation of Airport Protection Boundaries: For the purpose of this Ordinance, there is established an Airport Protection Overlay District comprised of an area described as follows:

Runway: The runway is 3,000' long, 250' wide at an elevation of 346' above mean sea level (NGVD).
Runway Centerline: The runway centerline is a line which runs the length of the runway bisecting it and in addition is extended 200' beyond each end of the runway for a total length of 3,400'.

496' Zone: The outer boundary of the 496' zone is 5,000' horizontally from the runway centerline. The 496' zone is bounded by two 3,400' lines 5,000' from and parallel to the runway centerline and by two half circles with radii of 5,000' from the ends of the runway centerline. The ends of the two half circles connect to the ends of the two parallel lines. Nothing shall be constructed in the 496' zone with an elevation greater than 496' above mean sea level (NGVD). The runway, visually clear and runway side zones are not included in the 496' zone.

Runway Zone: The runway zone is a rectangle of which two sides are 3,400' lines 125' from and parallel to the runway centerline.

Runway Approach Lines: There are four runway approach lines which connect the four corners of the runway zone with four points on the boundary of the 496' zone which are 625' from the runway centerline extended to the boundary of the 496' zone.

Visually Clear Zones: There are two visually clear zones located at each end of the runway zone. They are trapezoids bounded on two sides by the runway approach lines: on the third side by the end of the runway zone and on the fourth side by a line parallel to and 3,000' from the end of the runway zone. Nothing shall be constructed or grown in the visually clear zones which has an elevation above mean sea level (NGVD) greater than 346' plus 1 foot for every 20' from the ends of the runway zone.

Runway Side Zones: There is a runway side zone on each side of the runway. They have the shape of a rectangular area abutted by two triangular areas. Each rectangular area is bounded by the 3,400' side of the runway zone, a 3,400' line parallel to and 1,050' from the side of the runway zone and the two 1,050' lines which complete the rectangle. The four triangular areas are bounded by the 1,050' sides of the runway approach zones and the lines connecting these two sides. Nothing shall be constructed in the runway side zone which has an elevation above mean sea level (NGVD) greater than 346' plus 1 foot for every 7 feet from the sides of
the runway zone.

520' Zone: Abutting and outside the 496' zone, there is a 400' wide 520' zone. Nothing shall be constructed in the 520' zone with an elevation greater than 520' above mean sea level (NGVD).

560' Zone: Abutting and outside the 520' zone, there is an 800' wide 560' zone. Nothing shall be constructed in the 560' zone with an elevation greater than 560' above mean sea level (NGVD).

600' Zone: Abutting and outside the 560' zone, there is an 800' wide 600' zone. Nothing shall be constructed in the 600' zone with an elevation greater than 600' above mean sea level (NGVD).

640' Zone: Abutting and outside the 600' zone, there is an 800' wide 640' zone. Nothing shall be constructed in the 640' zone with an elevation greater than 640' above mean sea level (NGVD).

680' Zone: Abutting and outside the 640' zone, there is an 800' wide 680' zone. Nothing shall be constructed in the 680' zone with an elevation greater than 680' above mean sea level (NGVD).

720' Zone: Abutting and outside the 680' zone, there is an 800' wide 720' zone. Nothing shall be constructed in the 720' zone with an elevation greater than 720' above mean sea level (NGVD).

E. Rural Building Permits Limits

This section is intended to limit the construction of large-scale residential subdivisions in the Rural District of the Town by requiring the development to be clustered, preserving open space, or by limiting the number of residential building permits or mobile home permits or combinations thereof which can be issued to an owner during any 12 month period. Developers of large residential projects are encouraged to explore locations in other residential districts.

1. The number of permits which may be issued to a property owner for residential construction in the Rural District during any building year shall be determined by the following:
a. The owner of lots of record in the Rural District in a subdivision with a total subdivision area of less than 20 acres may obtain permits for not more than 5 dwelling units in any building year.

b. The owner of lots of record in the Rural District in a subdivision with a total subdivision area of 20 to 50 acres may obtain permits for not more than 10 dwelling units in any building year.

c. The owner of lots of record in the Rural District in a subdivision with a total subdivision area of more than 50 acres may obtain permits for not more than 20 dwelling units in any building year.

2. If the owner of a lot of record in the Rural District sells or otherwise conveys an interest in a lot or a portion of a lot, the new owner shall have no right to a permit during the current building year. However, the previous owner may transfer all or some of his rights to permits to the new owner by notifying in writing the Code Enforcement Officer of the number of permits to be issued to the new owner. In making such a transfer, the previous owner shall relinquish his rights to apply for the permits transferred to the new owner. The number of permits so transferred may not exceed the number permitted for the acreage transferred.

3. Any permit issued under the provisions of subsections 1 and 2 shall be utilized only on the lot of record from which the right to the permit derives, unless the permit is cancelled and transferred to another lot of record in the same subdivision.

4. The provisions of this section shall apply only to residential permits in a Rural District. Agricultural buildings including farm housing and nonresidential uses shall not be affected by this limitation nor shall residential permits for construction in the Residential or Village Zones be limited by this section.

5. For the purposes of this section, the following definitions shall be used:

   a. Building year shall mean the period between April 1st of one year and March 31st of the following year.
b. Lots of record shall mean lots as identified on a subdivision approved by the Planning Board and as shown by the property tax records of the Town of Oxford.

c. Owner shall mean the person(s) or firm shown on the property tax records of the Town of Oxford as holding title to the property as of the current building year.

Section 16. Performance Standards

The following standards shall apply to all districts except where the standards required in the Shoreland Zone are more stringent as enumerated in the Shoreland Zoning Ordinance for the Municipality of Oxford.

A. Soils

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

B. Erosion Control

1. 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.
2. 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.

3. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following "best management practices":
   
a. Stripping of vegetation, soil removal, and regrading or other development shall be minimized as far as practical, and shall be done in a way as to minimize erosion.

b. The duration of exposure of the disturbed area shall be kept to a practical minimum.

c. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.

d. Until a disturbed area is stabilized, sediment in run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Code Enforcement Officer.

e. Permanent (final) vegetation and mechanical erosion control measures shall be installed as soon as practicable after construction ends.

f. Any activity on a stream, watercourse, swale, floodway, or right-of-way shall comply with the State's Natural Resources Protection Act, Title 38, M.R.S.A., Sections 480A-480S. Any such activity shall also be conducted in such a manner so as to maintain as nearly as possible the present state of the stream, watercourse, swale, floodway, or right-of-way for the duration of the activity and shall be returned to its original or equal condition after such activity is completed.

g. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

h. Development on slopes greater than 20% may be permitted by the
Planning Board only after submission of a written site stabilization plan prepared by a Maine Registered Professional Engineer. The Planning Board may require an engineering analysis of the plan.

C. Nuisance Conditions

Noise, vibration, dust, smoke, odors, heat, glare, radiation, and waste disposal resulting from any use shall be kept to a practical minimum in order to avoid nuisance conditions.

1. Noise

   a. Noise is required to be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness. The noise level at the lot boundary lines shall not exceed seventy (70) decibels on the A scale of a sound level meter meeting specifications of the American National Standards Institute between the hours of 7:00 A.M. and 9:00 P.M. (12:00 midnight in Commercial and Industrial Districts) nor fifty (50) decibels between the hours of 9:00 P.M. (12:00 midnight in Commercial and Industrial Districts) and 7:00 A.M.

   b. Temporary construction and maintenance activities shall be limited to the hours of 6:30 A.M. to 8:00 P.M.

2. Air Pollution. No emission of dust, dirt, fly ash, fumes, vapors, or gases which could damage human health, animals, vegetation or property, or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission shall be allowed. All such activities shall also comply with applicable federal and State regulations.

   a. Dust, dirt and fly ash shall not exceed 0.3 grains per cubic foot of flue gas at stack temperature of 500 degrees Fahrenheit and shall in no manner be destructive, unhealthful, hazardous, nor shall visibility be impaired by the emission of haze which unduly impedes vision with an apparent opaqueness equivalent to No. 1 of the Ringlemann Chart as measured at any boundary line, using the procedures of the American Society of Testing Materials. Representatives of the Town or the State Department of Environmental Protection may enter onto premises for the
purpose of testing any and all sources of potential air pollution.

b. The limitations of Section 16.C.2.a. shall not apply to emissions resulting from soot blowing on any heat-transfer operation regardless of fuel source provided such emissions do not exceed an aggregate duration of more than one hour in any 24 hour period.

c. Any activity emitting toxic or odoriferous substances must submit detailed plans to minimize such emissions to the Code Enforcement Officer before a permit is granted. Limitations of toxicity and odors of these substances shall be as set forth in the regulations promulgated by the Maine Department of Environmental Protection.

d. All air pollution control shall comply with minimum State requirements and detailed plans shall be submitted to the Code Enforcement Officer for approval, before a permit is granted.

3. Exterior Lighting. All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicle traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.

4. Where safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and be maintained in good condition.

5. Odor. The proposed development shall not produce offensive or harmful odors perceptible beyond their lot lines, at either ground or habitable elevation.

D. Buffer Areas

1. Any nonresidential set back abutting a residential area shall be maintained as a buffer strip by the developer. Such buffer area shall be for the purpose of eliminating any adverse effects upon the environmental or aesthetic qualities of abutting properties or any type of nuisance affecting the health,
safety, welfare and property values of the residents of Oxford.

2. Natural features shall be maintained wherever possible to provide a break between the proposed development and abutting properties.

3. When natural features such as topography, gullies, stands of trees, shrubbery, rock outcrops do not exist or are insufficient to provide a buffer, the developer shall landscape or otherwise provide fencing or screening.

4. Fencing, screening or natural features, or combination thereof, shall be sufficient to shield from the view of abutting residential properties, and otherwise prevent any kind of nuisance: all loading and unloading operations, storage areas, commercial vehicle parking, waste disposal and collection areas.

5. Fencing and screening shall be durable and properly maintained at all times by the owner.

6. Fencing and screening shall be so located within the developer's property line to allow access for maintenance on both sides without intruding upon abutting properties.

7. All buffer areas shall be maintained in a tidy and sanitary condition by the owner.

8. Exposed storage areas, exposed machinery installation, sand and gravel extraction operations, and areas used for the storage or collection of discarded automobiles, auto parts, metal or any other articles of salvage or refuse, shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties.

E. Traffic Controls

1. The performance standards contained in Section 16.F. shall be met. In addition, the following standards shall apply. Safe access to and from public and private roads shall be provided. Safe access shall be assured by providing an adequate number and location of access points, with respect to site distances, intersections, schools and other traffic generators.
a. "Curb cuts" shall be limited to the minimum width necessary for safe entering and exiting. Where common access is not provided, a single lot shall be limited to two "curb cuts" on any single road.

b. Traffic, either in volume or size and weight of vehicles, shall not have an unreasonable negative impact on the Town's road system. When an unreasonable negative impact to the Town's road system would occur, the Board may require as a condition of an approval that the Applicant undertake road improvements.

2. Internal Traffic

a. Circulation and Parking. Safe interior circulation shall be provided by separating pedestrian and vehicular traffic as appropriate.

b. A use shall not be expanded and no structure shall be constructed or enlarged unless sufficient off-street automobile parking space is provided. The location of parking to the side or rear of buildings is encouraged.

c. Where the development will abut an existing or potential parking area provisions shall be made for internal vehicular connections.

d. The layout and design of parking areas shall provide for safe and convenient circulation of vehicles throughout the lot and shall discourage vehicles from backing out onto a road.


4. Sidewalks.

a. Sidewalks will be provided for development located within the Village and Commercial Districts. Upon petition to the Planning Board, sidewalk requirements may be waived for development located in the Commercial District when, in the opinion of the Board, the development pattern of the area does not require sidewalks.
b. Sidewalks are also required where either adjacent property has a sidewalk.

c. Sidewalks shall be bituminous concrete, concrete, brick or other solid material approved by the Town.

d. Sidewalks shall be a minimum of 3.5 feet wide. They shall be aligned with adjacent sidewalks.

F. Off-Street Parking and Loading Requirements.

The following standards shall apply to all new or expanded uses and structures:

1. Basic Requirements:

a. Village and Mill Redevelopment Districts: Commercial uses may use a combination of on-street and off-street parking to fulfill the parking space requirements. On-street parking shall not present traffic or pedestrian safety hazards. Off-street parking may be provided within 500 feet, measured along lot lines, of the property boundaries of the use.

b. In other Districts, required off-street parking for all uses shall be located on the same lot as the principle building or use of premises or within three hundred (300) feet measured along lines of access. An area of one hundred and sixty-two (162) square feet appropriate for the parking of an automobile, exclusive of maneuvering space, shall be considered as an off-street parking space.

c. Areas designated for off-street parking shall not be used for any other purposes such as, but not limited to, outside display or storage (whether or not in trucks, containers, etc.) of merchandise, goods or supplies other than motor vehicle parking except for periods not to exceed 2 weeks when approved by the Planning Board.

2. Schedule of Minimum Parking Requirements:
a. Two (2) spaces per dwelling unit for single family detached dwellings.

b. One and one-half (1.5) spaces per dwelling unit for two family and multi-family dwellings.

c. One (1) space for each sleeping room in a tourist home, boarding or lodging house, motel or hotel plus one (1) space per 162 sq. ft. of public meeting rooms and restaurants.

d. One (1) space for each recreational vehicle, tent or shelter site in a campground.

e. One (1) space for each four (4) beds for institutions devoted to the board, care, or treatment of persons.

f. One (1) space for each one hundred fifty (150) square feet or fraction thereof, of floor area of any retail, service establishment or office or professional building.

g. One (1) space for each five hundred (500) square feet, or fraction thereof, of floor area of any wholesale, storage and distribution facilities, construction contractors and similar uses.

h. One (1) space for each three (3) seats, permanent or otherwise, for patron use for restaurants, and other places serving food or beverage and for theaters, auditoriums and other places of amusement or assembly.

i. One (1) space for each person employed or anticipated to be employed on the largest shift for all types of commercial, industrial or other permitted uses.

j. Three (3) spaces plus three (3) spaces per service bay for auto repair garages and gasoline service stations.

k. Adequate spaces shall be provided to accommodate customers, patrons, and employees at other permitted uses not specifically enumerated.

l. Internal travel aisles must be approximately twenty (20) feet wide.
m. Shared and Compact Parking.

**Shared Parking:** Where a number of non-residential uses occupy a single structure, or multiple structures, on the same or adjoining parcel, the Planning Board can approve a reduction in the parking requirements to a parking quantity less than the total required by the Zoning Ordinance for the individual uses. With the approval of the Planning Board an applicant can propose to reduce the required parking by up to 30% if the applicant can demonstrate the following:

1. The building(s) and uses share a common circulation and parking scheme on a single lot or on adjoining lot(s);
2. The proposed uses have different peak parking times or have users that share the proposed facilities in the structure or structures;
3. The shared parking is located within 500 feet of the location of the proposed use.

If approved by the Planning Board as shared parking, parking lots or spaces on adjoining lots do not need to conform to the side yard and rear yard setbacks set forth in the Zoning Ordinance.

**Compact Parking:** The Planning Board can approve, upon the request by an applicant that up to 20% of the required parking set forth in the Zoning Ordinance can be provided by compact parking spaces. This shall apply only to parking lots with more than 10 parking spaces, with the driveway aisle(s) remaining at the width(s) set forth in the Zoning Ordinance. Compact Parking spaces shall be designated by signage and can be reduced to a size of 8 feet wide by 15 feet long.

3. **Off-Street Loading:**

   a. Village and Mill Redevelopment Districts: Loading activities may occur from the public way provided that an adequate loading zone is available and that trailer trucks will not be the principal mode of delivery.

   b. In Districts where commercial or industrial uses are permitted off-street loading facilities shall be located entirely on the same lot as the building or use to be served so that trucks, trailers and containers shall not be located for loading or storage upon any public way.

G. **Sanitary Provisions**

1. The installation of all water supply systems shall conform with applicable
Maine Department of Human Services rules, and private sewage disposal systems in all districts shall conform to the provisions of the Maine Subsurface Wastewater Disposal Rules.

2. Waste Disposal. Disposal of solid wastes and hazardous wastes shall not create adverse health, safety, or environmental impacts.
   a. All solid waste will be disposed of at a licensed disposal facility having adequate capacity to accept the project’s wastes.
   b. All hazardous waste will be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.
   c. No person may engage in the use, generation, storage or disposal of hazardous waste unless done so in conformance with all applicable state and federal laws, rules and regulations, including a permit for any hazardous waste which is radioactive waste material, and any other hazardous waste which exceeds one hundred kilograms in weight per month.

H. Signs

All signs shall comply with State law and this Ordinance and the Shoreland Zoning Ordinance. Signs which do not conform to the Ordinances may be continued for up to a period of 10 years from the date of adoption of this Ordinance. After this period, all signs shall comply.

The following provisions shall apply to all on-premise signs.

   a. No sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination or wording the sign may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device or otherwise constitute a hazard to pedestrian or
vehicular traffic.

b. No freestanding ground sign shall be located within ten (10) feet of a street line or other lot line. No projecting sign shall be located within five (5) feet of a street or other lot line.

c. Permanent signs may be illuminated only by shielded, nonflashing lights. External lights shall be located or shaded such that no direct beam is visible from a public way. No lighting shall create a glare on to public ways which interferes with traffic or creates a nuisance for abutting property owners.

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

e. Signs relating to goods and services not rendered on the premises shall be prohibited.

f. Signs not exceeding six (6) square feet in area directing and guiding traffic to historical or recreational sites, but bearing no advertising material shall be permitted provided such signs do not exceed one (1) per street.

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

h. 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.

i. Signs for Home Occupations shall be limited to one per business and be no larger than four (4) square feet.

j. Legally existing nonconforming signs may not be relocated, nor altered except in conformance with this section. Any change in the content of a
nonconforming sign including names, words, logos or similar information shall constitute an alteration requiring conformance with this section.

k. Signs relating to any business which has been out of business for more than thirty (30) days are prohibited. The owner of the property or his agent shall be responsible for removing such signs.

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

m. This Ordinance does not apply to State controlled directional signs.

2. Village, Residential, and Rural Districts: The following provisions shall govern the use of signs in the Village, Residential, and Rural Districts.

a. A single sign not over thirty two (32) square feet in area, attached to a building or freestanding and located in the front yard, describing a legally existing use, shall be permitted. Signs perpendicular to the roadway may contain an area of twenty-five (25) square feet on each side.

b. No free standing sign shall extend higher than ten (10) feet above the ground.

c. Signs shall be designed in keeping with the character of the district in which it is located.

3. Mixed Use, Industrial and Mill Redevelopment Districts: The following provisions shall govern the use of signs in the mixed use, industrial and mill redevelopment districts.

a. The number of outdoor signs shall not exceed three (3) per use.

b. Freestanding ground signs are limited to one (1) per structure.

c. Outdoor signs may be displayed as freestanding ground signs, wall signs, projecting signs, or a combination of these, provided that the total sign area of all such signs not exceed one hundred fifty (150) square feet per use, except that for signs perpendicular to the roadway and the same on
each side shall only be counted as an area equal to one side of the sign.

d. No individual sign shall contain more than fifty (50) square feet of sign area except signs perpendicular to the roadway as noted above. For such signs the area shall only be counted as the square footage equal to one side. Additionally no sign shall have a height greater than twenty-five (25) feet from the ground level upon which it is located to the top of the sign.

e. Wall signs shall occupy no more than 40 percent of the wall to which such sign is attached or affixed. The wall is the facade of the building up to the roof line excluding windows, doors, and major architectural features.

f. Projecting signs shall extend no lower than ten (10) feet above ground level, no nearer than five (5) feet from a street line, or nearer than five (5) feet from any other lot line.

g. Wall signs and projecting signs are limited to one (1) per use.

h. Signs in close proximity to the door shall be permitted provided such signs shall not exceed two (2) square feet in size and shall not exceed one (1) per use.

4. Portable Signs:

a. Defined: A portable sign is one which is designed for and intended to be moved from place to place and not be permanently affixed to land, buildings, or other structures.

b. Portable signs shall only be permitted in the Mixed Use and Industrial districts.

c. Mixed Use and Industrial Districts: Any use located in these districts shall be permitted one portable sign of not more than thirty-two (32) square feet in area.

d. A portable sign shall be located outside of the street right-of-way in such a manner that it will not obstruct or impair vision or traffic or in any way
create a hazard or nuisance to the public.

I. Storm Water Runoff

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural pre-development conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces, and wooded areas shall be retained in their natural state 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.

J. Surface and Ground Water Quality Protection

1. No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that run-off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness or be harmful to human, animal, plant or aquatic life.

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.

2. The quality or quantity of ground water shall be preserved and protected.

a. For above ground fuel storage of chemicals or industrial wastes and potentially harmful raw materials, an impermeable diked area shall be provided; the diked area must be sized to contain the total volume of fuel tanks and piping; roofed to prevent accumulation of rainwater in the diked area and shall be properly vented. There shall be no drains in the facility. All concrete, whether walls or pads, shall be reinforced concrete and shall be designed by a Professional Engineer Registered in the State of Maine when required by the Board.
b. Underground petroleum tanks shall be installed in accordance with the standards promulgated by the Maine Board of Environmental Protection.

K. Wetlands

1. Development shall minimize the impact on wetlands of over two acres in size from encroachment, water diversion, draining, or erosion and sedimentation.

2. Natural Buffers of at least twenty five (25) feet shall be maintained around wetlands in order to protect their value as wildlife habitats.

L. Wildlife Habitat

Development shall minimize the impact on significant wildlife habitat including deer wintering areas and waterfowl breeding and feeding grounds. The Planning Board may require an analysis by a wildlife biologist of the impact of the development on wildlife habitat.

M. Home Occupations

1. Home occupations shall:

   i. Require a permit by the CEO;
   ii. Have only one exterior sign not larger than 4 square feet;
   iii. Have no exterior storage of materials;
   iv. Have no other indication of the business which would detract from the residential character of the neighborhood;
   v. Have no nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare or electrical disturbance;
   vi. Have sufficient off-street parking for the vehicles of the employees, family members and the maximum number of customers which the occupation may attract during peak operating hours;
   vii. Have parking arranged so that customers or employees will not be tempted to back into the street; and
   viii. Limit the size of accessory structures to floor areas which do not exceed the footprint of the principal residential structure.

2. On complaint, any permit for a Home Occupation may be revoked after
investigation by the CEO if any nuisance conditions, noise, etc. cited in the above criteria are being generated to the detriment of the neighborhood.

N. Two-Family Dwellings

Two-family dwellings may be approved by the Planning Board in accordance with the Land Use Table of the Ordinance and Section 15.B.

O. Multi-Family Dwellings:

1. Multi-family dwellings may be approved by the Planning Board in accordance with the Land Use Table of this Ordinance and Section 15.B. All proposals to construct multi-family dwellings shall be in conformance with the Performance Standards of Section 16, the design requirements listed below and the requirement that no structure shall contain more than eight (8) dwelling units except in the Mill Redevelopment District.

2. Applications for approval shall include: a map of the area; dimensions, boundaries and principle elevations of the land for which approval is sought; the names and mailing addresses of all property owners within 500 feet of the proposed site, as found on the most recent tax list; building layout and general construction plans; a site plan of all driveways and parking areas proposed to be constructed; and other information which addresses all appropriate performance standards and design requirements and all appropriate factors to be considered in evaluating proposals.

3. Density

Except in the Mill Redevelopment District, the lot size for multi-family dwellings development is determined as follows:

a. The net buildable acreage shall be calculated by taking the total area of the lot and subtracting, in order, the following:

i. Existing and proposed areas for roads, parking and rights-of-way;

ii. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot, as determined by the Planning
Board;

iii. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:
   a) 100% of the RP District
   b) 100% of the wetlands, Natural Resources Protection Act, Class I, II and III
   c) 100% of ponds or lakes or other surface waters
   d) 100% of slopes over 20% without a slope stabilization plan specified in Section 16.B.3.h.

b. In order to determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage shall be divided by the minimum lot size required in the district. A high-intensity soil survey map, certified by a Registered Soil Scientist licensed in the State of Maine, shall be submitted. No building shall be constructed on soils classified as being very poorly drained.

4. Water Supply

a. When multi-family dwellings are proposed within the service area of public water supply system, all dwellings shall be connected to the system, at no expense to the Town. The applicant shall demonstrate by a signed letter from an authorized representative of the water company that an adequate water supply can be provided to the dwellings at an adequate pressure for fire fighting purposes. Fire hydrants shall be located so that they are not more than 500 feet from any building, as hose is laid on the street.

b. When multi-family dwellings are proposed outside of the service area of public water supply system, the applicant shall demonstrate the availability of adequate supply and quality of water for both domestic and fire fighting purposes. The Planning Board may require the construction of fire ponds and dry hydrants.

5. It shall be the responsibility of the owner to provide for rubbish disposal, snow removal, and site maintenance. All outdoor storage areas for waste collection shall be enclosed by a wooden or masonry screen at least six feet...
in height.

6. A fifty foot landscaped buffer shall be provided along all property boundaries except in the Mill Redevelopment District. In the Mill Redevelopment District, the required setback areas shall be maintained as a landscaped buffer to the extent feasible.

7. Storm water and surface drainage systems shall be designed in accordance with the Town subdivision standards.

8. Access, Circulation, and Parking

   a. The multi-family dwellings development shall provide for safe access to and from public or private roads. Safe access shall be assured by providing an adequate number and location of access points, with respect to sight distances, intersections, schools, and other traffic generators. All corner lots shall be kept clear from visual obstructions higher than three feet above ground level, for a distance of 25 feet, measured along the intersecting street lines. In the Mill Redevelopment District, those areas of development that existed on the effective date of this Ordinance shall satisfy these requirements only to the extent feasible.

   b. The proposed multi-family dwellings development shall not have an unreasonable adverse impact on the public road system, and shall assure safe interior circulation within its site, by separating pedestrian and vehicular traffic and by providing adequate parking and turn-around areas.

   c. All multi-family dwellings developments containing 15 or more dwelling units may be required by the Planning Board to have more than one street access (for emergency and safety purposes). No more than two accesses shall be allowed on any single street or roadway.

9. Recreation and Open Space. Except in the Mill Redevelopment District, all multi-family dwellings developments of 25 dwelling units or more shall provide a developed play area no smaller than 5,000 sq. ft. Any development in which occupancy is restricted to the elderly need not provide a play area, but space shall be provided for outdoor recreation.
P. Mobile Homes

1. Mobile homes shall be placed on a permanent foundation or piers of concrete, concrete block, or other masonry, to extend below the frost line; or reinforced concrete slab designed to accommodate the weight of the mobile home and any frost heave.

2. A skirting wall of solid construction such as masonry, wood and the like shall be built to fill the space between the foundation or slab or ground and the mobile home at the perimeter. This wall shall be of permanent type construction and weather tight (except for ventilation). The exposed surface shall be of masonry, wood, metal siding or other permanent material. Building paper, asphalt paper or roofing is not acceptable.

3. Any addition to a mobile home shall be on a foundation or slab similar to that which is supporting the mobile home. The walls and roof shall be of permanent type construction with the roof of fire resistant material. The walls shall meet the requirements of Section 16.P.2.

4. A mobile home may be replaced with one of improved standards regardless of the lot size, providing however, that it does not increase existing nonconformities.

5. A mobile home shall enclose an area of not less than 500 square feet.

6. A mobile home used as a dwelling shall have a plumbing and a sewage disposal system which shall be in conformity with the most recent State of Maine Wastewater Disposal Rules.

7. Mobile homes as temporary offices are exempt from Section 16.P.2 and 5 above. Mobile homes used as permanent offices are exempt from Section 16.P.5, above.

8. Mobile homes either:

   a. Must be constructed after June 15, 1976, and the manufacturer must certify its construction was in compliance with the U.S. Department of Housing and Urban Development Standards established under the National Manufactured Housing Construction and Safety Standards Act
of 1974, U.S. Code Title 42, Section 5401, et. seq., as amended, or

b. Meet the safety standards for older mobile homes which have been adopted by the State Manufactured Housing Board (02-385 Department of Professional and Financial Regulation dated May 31, 1990, as amended) whether or not the mobile home is located in a mobile home park.

Q. Cluster Development

1. The purposes of these provisions are to:

   a. Provide for efficient use of land not possible under traditional lot-by-lot zoning,

   b. Provide for the preservation of agricultural land, forest land, recreational land, and open space areas,

   c. Provide for a more attractive, varied arrangement of dwelling units and open space on a particular parcel,

   d. Provide for the location of housing units and other uses where they are least visible and hidden by topography or vegetation, therefore, minimizing perceived densities,

   e. Provide for orderly development in the rural areas and maintain the rural character of the community by preserving tree masses, stream valleys, woodlands, views and scenic vistas, and other significant natural features,

   f. Provide for reasonable standards for the perpetual maintenance of community or privately owned facilities necessary to service the development,

   g. Preserve and protect environmentally sensitive areas, and

   h. Allow for new and innovative approaches to housing development and discourage the location of housing units in strip fashion along rural roads.
2. Notwithstanding provisions of this and other ordinances relating to dimensional requirements, the Planning Board, in reviewing and approving proposed residential cluster developments, may modify said provisions related to dimensional requirements to permit innovative approaches to housing and environmental design in accordance with the following standards. This shall not be construed as granting variances to relieve hardship.

3. Application Procedures

   a. Where a developer elects to cluster, a written application shall be submitted to the Planning Board. The application shall be reviewed as a subdivision, if applicable, but shall also meet the standards contained in this section.

   b. The written statement shall describe the natural features which will be preserved or enhanced by the cluster approach. Natural features include, but are not limited to, moderate to high wildlife and waterfowl habitats, moderate to high yield aquifers, prime agricultural and forestland areas and soils, large trees, woods, ponds, rock outcrops, and other important natural or historic sites. The statement shall also describe the positive and negative impact upon the community. Examples of impacts are, municipal costs for roads, schools, school busing, solid waste management, utility efficiency, recreational opportunities, protection of flood water storage areas, and environmental impacts on sensitive lands.

   c. For purposes of this section, the tract or parcel to be developed shall be in single ownership, or the subject of an application filed jointly by the owners of all the property included.

   d. The developer shall file with the municipality, at the time of submission of the final plan for subdivision approval, a performance guarantee in accordance with the Subdivision Ordinance.

4. Density - The buildable acreage in cluster developments shall be calculated by taking the total area of the lot and subtracting, in order, the following:

   a. Existing and proposed areas for roads, parking and rights-of-way;
b. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot, as determined by the Planning Board;

c. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:

   i. 100% of the Resource Protection District
   ii. 100% of the wetlands, State NRPA Class I, II and III
   iii. 100% of ponds or lakes or other surface waters
   iv. 100% of slopes over 20% without stabilization plan specified in Section 16.B.3.h.

5. Basic Requirements for Cluster Developments

   a. Cluster developments shall be a minimum of 10 acres and shall meet all requirements for a subdivision, the community's street standards, and all other applicable municipal ordinances or regulations, including the General Performance Standards of this Ordinance and State laws and regulations.

   b. Each building shall be an element of an overall plan for site development. Developments shall have a site plan for structures which clearly indicates a building envelope for each lot, or it shall be specified on the plan that buildings shall meet all traditional setbacks. Distance between building envelopes shall not be less than 40 feet.

   c. A density bonus of 10 percent shall be given if the open space land meets any of the following criteria:

      i. Is significant agricultural land as designated by the Comprehensive Plan;
      ii. Is forested land which is under a Forest Management Plan prepared by a Certified Forester;
      iii. Is high or moderate value wetland; or
      iv. Is land which provides significant recreation opportunities for common usage.
The maximum allowed reduction in the size of individual lots is 50 percent except that where a density bonus is provided, lots may be reduced by 60 percent.

d. The maximum net density allowed in cluster developments shall be calculated on the basis of the "Qualifying Land Area" standards contained in Section 16.Q.4.a.

e. Unless a public sewer or community sewage collection and treatment system is provided, no lot shall be smaller than 20,000 square feet. No unit shall be constructed on any lot with soil considered as being "very poorly" drained.

f. The total area of open space within the development shall equal or exceed the sum of the areas by which building lots are reduced.

g. Every building lot that is reduced in area below the amount normally required should abut the open space area for a distance of 50 feet, but in no case shall it be more than 1,000 feet distance from the open space area.

h. In rural areas, no individual lots shall have curb cut access to an existing road at the time of development. There shall be a setback of 50 feet from the main public access road and from interior roads that are constructed as part of the cluster development. Access from public ways, internal circulation, and parking shall be designed to provide for vehicular and pedestrian safety and convenience, emergency and fire equipment maneuverability, snow removal, road maintenance and delivery and collection services.

i. In no case shall cluster developments be permitted in the Shoreland Zones.

j. When individual wells are to be utilized, a well shall be provided on each lot by the developer/builder. The applicant shall demonstrate the availability of water adequate in quantity and quality for domestic purposes, as well as quantity for fire safety. The Planning Board may require the construction of fire ponds and/or dry hydrants.
k. The location of subsurface sewage disposal systems shall be shown on
the plan. The report of a licensed Site Evaluator shall accompany the
plan.

6. Site and Buffering Standards

a. Lots and building envelopes shall be oriented with respect to natural
landscape features, topography, south facing slopes (wherever possible),
and natural drainage areas, in accordance with an overall plan for site
development and landscaping. A site inspection shall be conducted by
the Planning Board prior to approval.

b. Once approved, the plan shall not be altered in any manner, without prior
approval of the Planning Board.

c. Where parking spaces or storage areas are located in areas abutting
existing residential properties, a permanent wood or masonry screen, at
least 4 feet high, shall be erected along the property line, in addition to
the "green" perimeter strip described below.

d. Other than any land within the Shoreland Zone, a "green" vegetative
perimeter strip, not less than 20 feet wide, shall be maintained with
grass, bushes, flowers, shrubs and/or trees along all side lot or rear lot
lines of the property as a whole, and (except for entrance and exit
driveways) along the entire frontage of such lot. (The strip may be a part
of the individual lots provided that restrictions are included to insure its
maintenance.)

Such "green" strip shall not be built upon, paved, or used for parking or
storage. There shall be no removal of trees over 4 inches in diameter
within this buffer. For the Shoreland Zone, see the Shoreland Zoning
Ordinance for the Municipality of Oxford.

e. Except for normal thinning and landscaping, existing vegetation shall be
left intact to prevent soil erosion. Adequate provision shall be made for
storm waters, with particular concern for the effects of erosion from the
site. Erosion resulting from any improvements to the site shall be
prevented by landscaping or other means. The Planning Board may
require that an erosion and sedimentation control plan be made and that
the developer take appropriate measures to prevent and correct soil
erosion in the proposed development.

f. All utilities shall be installed underground, whenever possible.
Transformer boxes, pumping stations and meters shall be located so as
not to be unsightly, hazardous to the public, or detract from the natural
beauty of the development.

7. Preservation and Maintenance of Open Space and Facilities

a. There shall be no further subdivision of open space. Open space shall be
used for agriculture, non-commercial recreation, forestry or
conservation. However, easements for public utilities may be permitted
in the open space area, with prior approval of the Planning Board.

b. There shall be no land development within the open space without prior
approval of the Planning Board.

c. The open space(s) shall be shown on the development plan and with
appropriate notation on the face thereof to indicate that:

i. The open space shall not be used for future building lots or
development; and

ii. Part or all of the open space may, at the option of the municipality, be
dedicated for acceptance by the municipality. Such dedication shall
take place after final approval of the project. Final acceptance by the
municipality of dedicated open space rests with the municipality.

d. If any or all of the open space is to be reserved as common open space
for use by the residents, the bylaws of the proposed homeowners
association shall specify maintenance responsibilities and shall be
submitted to the Planning Board prior to approval. The developer or
subdivider shall maintain control of such open space(s) and be
responsible for their maintenance, until development sufficient to support
the association has taken place. Such determination shall be made by the
Planning Board upon the request of the homeowners association, the
developer, or the subdivider.
Open space not dedicated to the municipality must be maintained by the association. Covenants for mandatory membership in the association setting forth the owners’ obligations, rights, interests, and privileges in the association and common open space shall be drafted, approved by the Planning Board, and referenced in the deed for each lot. (For example, the basis for determining assessments by the association for each lot for lawn mowing, snow removal, solid waste management, municipal assessments, neighborhood recreational facilities, etc.).

e. Open space land may be sold or leased by the association to a third party for agriculture or forestry purposes, provided that development rights are held by the municipality, a conservation organization, or other public or quasi-public entity. The legal instruments for conveying such land and retaining development rights shall first be submitted to and approved by the Planning Board.

R. Hotels, Motels and Inns (For the purposes of this section, the terms hotel, motel, and inn are used interchangeably.)

1. The minimum lot size for any hotel shall contain not less than three acres of total area.

2. The minimum road frontage shall be not less than 200 feet.

3. No part of any building on a motel lot shall be closer than 50 feet to the edge of right-of-way, 25 feet from rear or side lines.

4. Building on a motel lot shall not cover more than 20% of the area of the lot.

5. Each motel rental unit shall contain not less than 220 square feet habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each motel rental sleeping room shall not be less than 12 by 15 feet horizontal dimensions, exclusive of bath. Each rental unit shall include private bathroom facilities.

6. On each hotel lot, one apartment may be provided for a resident owner, manager, or other staff person.
7. Hotel building construction plans shall be reviewed and approved by the State Fire Marshall's Office.

S. Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and camping areas shall contain a minimum of 5,000 square feet of suitable land, not including roads and driveways, for each site.

T. Recreational Vehicles

One recreational vehicle per lot is permitted providing that the following conditions are met:

1. The placement of the recreation vehicle on any lot shall meet all setback requirements.

2. The recreational vehicle shall not be located on any type of foundation.

3. No rigid enclosed addition shall be affixed to a recreational vehicle other than a recreational vehicle accessory enclosure as herein defined.

4. If located in the Town of Oxford (except for storage adjacent to a primary residence) in excess of 120 days in any 365 day period, recreational vehicles shall require a permit issued by the Code Enforcement Officer in accordance with the provisions of this Ordinance.

U. Extraction of Sand, Gravel and Other Earth Materials

1. Extraction operations (sand and gravel pits, etc.) shall not be permitted within 75 feet of any property line or traveled way.

2. Within 90 days of the completion of excavating the pit, the operator shall grade the pit area compatible to the surroundings. The area shall be graded to a slope of two horizontal to one vertical or flatter. These grading operations may extend to within ten feet of the property line.

3. Wherever ponds are left within the pit, a slope of four horizontal to one
vertical or flatter, shall extend into the water at least 16 feet to insure that the pond will not be a hazard to the public.

4. Sufficient top soil or loam shall be retained to cover all areas which shall be seeded, and restored to stable condition upon completion of the extraction operation or reforested.

5. A time schedule of operation and restoration activity shall be a part of the application/permit process. Permits shall run for a maximum of five years after which they may be renewed at three year intervals if minimum requirements for public safety have been maintained.

V. Floodplain Management

Management of all development in the floodplain shall be governed by the Floodplain Management Ordinance adopted August 19, 2004 and as may be subsequently amended.

W. Conversion of Existing Dwellings

Buildings may not be converted to multifamily use without regard to lot area, and the water and sewage facilities must meet all existing laws and codes.

X. Historical and Archaeological Sites

1. Any proposed land use activity involving structural development or soil disturbance on or adjacent to buildings or sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the Planning Board 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 Planning Board.

2. The Planning Board shall consider comments received from the Commission prior to rendering a decision on the application. To the extent practical, the design of new development shall be compatible with the adjacent historic building or site. Appropriate buffers may be used to mitigate building design conflicts.

3. Construction activity shall be undertaken in such a way to insure adjacent
buildings or sites are not damaged or disturbed.

Y. Cultural and Scenic Resources.

1. To the extent practical, the design of new development shall minimize the impacts on identified cultural and scenic resources.

2. Buildings should be placed to maintain views which are accessible from public ways.

3. Landscaping should be designed to minimize impact on cultural resources and not interrupt views.

4. Development which is placed in a view landscape should be designed to complement the view to the extent practical.

Z. Public Access

Development should be designed to minimize the impact on public access including access to shorelines and trails. Where possible, public access should be maintained through easements. Access may be relocated to improve compatibility with proposed development.

AA. Addiction Treatment Facilities

The following standards shall apply to all Addiction Treatment Facilities:

1. No addiction treatment facility shall be located where the patient entrance to the treatment facility would be closer than 2,000 feet, measured in a straight line without regard to intervening structures or objects, to the nearest point on the boundary of any property containing a licensed child care facility or a school.

2. An addiction treatment facility shall be licensed by, and comply with, all the laws, rules and regulations of the Maine Department of Health and Human Services.

Section 17. Site Plan Review
A. **Purpose** - The purposes of Site Plan Review are to provide a level of municipal review that would not otherwise occur of projects that could impact the community.

B. **Applicability**

A Site Plan Review by the Planning Board is required for:

1. Uses or changes of uses listed in Table of Land Uses, Section 14 of this ordinance and of the Shoreland Zoning Ordinance, for which the Planning Board is the reviewing authority.

2. Substantial enlargements: an expansion of the land area of the development site by more than 25% at any one time or in total since the last Planning Board review.

3. Alterations, structural changes, re-arrangement, change of location or addition to a building or structure involving more than a 25% increase in overall floor space or bulk of the building or structure at any time or in total since the last Planning Board review.

4. Site Plan Review does not apply to single-family homes, including mobile homes, and agriculture.

C. **Administration** - General administrative procedures are found in Section 18. This section contains additional administrative information which applies to Site Plan Reviews.

1. **Agenda.** In order to avoid unnecessary delays in processing applications for Site Plan Review, the Board should prepare an agenda for each regularly scheduled meeting.

2. **Preapplication Process/Meeting.** Applicants are encouraged to schedule a meeting with the Board prior to formal submission for review, to present a Sketch Plan and/or make a verbal presentation regarding the site and the proposed project. The Sketch Plan should show, in simple sketch form, the proposed development area, and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand pencil sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the
Sketch Plan be superimposed on or accompanied by a copy of the Assessor's Tax Map(s) on which the land is located. There shall be no fees for the pre-application process.

3. **Submission Waivers.** The Planning Board may modify or waive any of the submission requirements when it determines that because of the size of the project or circumstances of the site, such requirements would not be applicable or would be an unnecessary burden upon the Applicant and that such modification or waiver would not adversely affect the abutting landowners or the general health, safety and welfare of the Town or otherwise be converse to the purposes and intent of this Ordinance. If the Board finds that only a portion of the Additional Information, Section 17.D.7. is required, the Board shall explicitly waive those items in Section 17.D.7. that are not required.

4. **Additional Studies.** If the services of outside consulting engineers or other professionals are required by the Board to assist in review of the application, that may be required, the Board shall notify the Applicant of the nature of services. The cost of such services shall be paid by the Applicant.

5. **Performance Guaranty.** Prior to final approval of any Site Plan Review Application, the applicant may be required to provide one of the following performance guaranties for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs.

   a. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account, or

   b. A performance bond payable to the Town issued by a surety company, approved by the Board of Selectmen.

   c. An irrevocable letter of credit approved by the Board of Selectmen from a financial institution establishing funding for the construction of the required improvements which indicates that funds of sufficient amount have been set aside and which may not be used for any other project or loan and from which the Town may draw if construction is inadequate.

6. **Conditions.** The Board may attach reasonable conditions to the Site Plan
Review approvals to ensure conformity with the standards and criteria of this Ordinance.

**D. Site Plan Review Application Requirements**

Applications for all Site Plan Reviews (major and minor developments) shall be submitted on application forms provided by the Town. The submission shall contain at least the following exhibits and information:

1. A fully executed and signed original and two copies of the Application for Site Plan Review.

2. The Site Plan (drawings) shall consist of one or more reproducible, stable base transparent originals at a scale of not less than 1" = 100' to be filed at the Town Office. Space shall be provided on the Development Plan for the signatures of the Board and date with the following words and space for five Board signatures.

   Approved: Town of Oxford Planning Board

3. The Planning Board shall request the Road Commissioner and Fire Chief to review the Application and Site Plan.

4. General Information
   
   a. Name of owner of record and address and Applicant's name and address, if different;

   b. The name of the proposed development, if applicable;

   c. Names and addresses of all property owners within 500 feet of the property line and with Assessor's (tax) map and lot number;

   d. A copy of U.S.G.S. topographic map section showing general location of the site within the Town;

   e. Boundaries of all contiguous property under the control of the owner or Applicant regardless of whether all or part is being developed at this time;
f. A copy of the Assessor's (tax) map showing map and lot number of the parcel or parcels and showing all lots within 500 feet of the proposed development.

g. 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 and status of property tax payment; and

h. The name and registration number of the land surveyor, architect, engineer and/or similar professional(s), if any, who prepared the plan.

5. Existing Conditions

a. Zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two or more zoning districts or abuts a different district;

b. Perimeter survey of the parcel made and certified by a Registered Surveyor relating to reference points, showing true north point, graphic scale, corners of parcel and date of survey and total acreage.

c. Location and size of any existing sewer and water systems, culverts and drains, fire hydrants or pond, on or within 300 feet of the property to be developed and of any that will serve the development from abutting roads or land;

d. Location, names and widths of existing roads and rights-of-way within or adjacent to the proposed development;

e. Location of intersecting roads or driveways within 500 feet of the site;

f. The location and dimensions of existing driveways, roads and parking and loading areas and walkways on the site;

g. The location, dimensions, and ground floor elevations of all existing buildings on the site;

h. The location of open drainage courses, wetlands, stands of trees and significant wildlife habitat, known or potential archaeological resources,
historic buildings and sites, significant scenic areas, mapped sand and gravel aquifers, rare and endangered species, other important natural features;

i. The direction of existing surface water drainage across the site;

j. If any portion of the property is in the 100-year floodplain, its elevation shall be delineated on the plan;

k. The location, front view and dimensions of existing and proposed signs; and

l. Location and dimensions of any existing rights-of-way or easements and copies of existing covenants or deed restrictions.

6. Proposed Development Activity (See also Section 15.C.7 if the development is in the Groundwater Protection Overlay District).

a. The location and dimensions of all proposed buildings and structures.

b. Location of any temporary or permanent monuments, where necessary, to determine the development's location on the ground.

c. All existing and proposed setback dimensions.

d. Proposed landscaping and/or buffering, the location of all parcels to be dedicated to public use, the conditions of the dedication, and the location of all natural features or site elements to be preserved.

e. When subsurface sewage disposal is proposed, an on-site soils investigation report by a Maine Department of Human Services licensed Site Evaluator. The report shall identify the classification of soils, location of all test pits, and proposed location and design for the subsurface disposal system.

f. The type of water supply to be used.

g. The size, location and direction and intensity of illumination and method of installation of all major outdoor lighting apparatus and signs.

h. The type, size and location of all waste disposal or incineration devices.
i. The type, size and location of all machinery or equipment likely to generate appreciable noise at the lot lines.

j. The amount and type of any raw, finished, or waste materials to be stored outside of roofed buildings, including their physical and chemical properties, if appropriate.

k. Copies of applicable State approvals and permits, provided however that the Board may approve development plans subject to the issuance of specified State approvals and permits where it determines that it is not feasible for the Applicant to obtain them at the time of Site Plan Review.

l. A schedule of construction including anticipated beginning and completion dates.

m. A description of how special features identified in Section 17.D.5.h. will be maintained or impacts upon them minimized.

7. Additional Information. When the Planning Board finds that the information required in Sections 17.D.1 to 17.D.6. is not sufficient to determine that the General Review Standards in Section E. can be met, the Planning Board may require the following:

a. Existing and proposed topography of the site at five foot contour intervals or such other interval as the Planning Board may determine.

b. A high intensity soils report prepared by a Soil Scientist certified in the State of Maine.

c. A storm water management and erosion control plan showing:
   
   i. Existing and proposed method of handling storm water runoff;

   ii. Direction of flow of the run-off through the use of arrows;

   iii. Location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers and erosion control devices;
iv. Engineering calculations used to determine drainage requirements if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed. Calculations shall be based upon the 25 year, 24 hour storm frequency and the 2 year, 24 hour storm frequency;

v. Methods of controlling erosion and sedimentation during and after construction.

d. A hydrogeologic assessment prepared by a ground water hydrologist/geologist for projects involving common on-site water supply or on-site sewage disposal of 2,000 or more gallons per day.

e. A utility plan showing, in addition to provisions for water supply and waste water disposal, the location and nature of electrical, telephone and any other utility services to be installed on the site. Construction drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by a Professional Engineer Registered in the State of Maine.

f. A landscaping plan.

g. The location, width, typical cross-section, grades and profiles of all proposed roads and sidewalks.

h. The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for or dedicated to public use and/or ownership. For any proposed easement, the Applicant shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. In the case of any roads or other ways dedicated to public ownership, the Applicant shall submit a signed statement that such roads or ways will be maintained year-round until they are accepted by the Town.

i. A copy of any covenants or deed restrictions intended to cover all or part of the tract. Such covenants or deed restrictions shall be referenced on the Site Plan.

j. Written offers of dedication or conveyance to the Town, in a form satisfactory to the Town attorney, of all land included in the roads,
easements, parks or other open space dedicated for public use, and copies of agreements or other documents showing the manner in which open spaces, title to which is reserved by the Applicant, are to be maintained.

k. Estimated cost of the proposed development and evidence of financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing indicating the name of the project and the amount committed to financing the project.

l. A traffic engineering study with the following data included:

i. The estimated peak-hour traffic to be generated by the proposal.

ii. Existing traffic counts and volumes on surrounding roads.

iii. Traffic accident data covering a recent three-year period.

iv. The capacity of surrounding roads and any improvements which may be necessary on such roads to accommodate anticipated traffic generation.

v. The need for traffic signs or other directional markers to regulate anticipated traffic.

E. General Review Standards

The following criteria and standards shall be utilized by the Board in reviewing applications for Site Plan Review approval. The standards are not intended to discourage creativity, invention, and innovation. The Board may waive the criteria presented in this section upon a determination by the Board that the criteria are not applicable to the proposed action or upon a determination by the Board that the application of these criteria is not necessary to carry out the intent of this Ordinance. The Board shall approve the application unless the proposal does not meet the intent of one or more of the following criteria, provided that the criteria were not first waived by the Board.

1. Preserve and Enhance the Landscape: The landscape shall be preserved in its natural state insofar as practicable by minimizing tree removal, disturbance of soil, and retaining existing vegetation during construction. After construction is completed, landscaping shall be designed and planted that will define, soften or screen the appearance of the development and minimize the encroachment of the
proposed use on neighboring land uses.

2. Relation of Proposed Buildings to Environment: Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed structures, so as to have a minimally adverse affect on the environmental and aesthetic qualities of the developed and neighboring areas including historic buildings and sites.

3. Vehicular Access: The proposed development shall meet the standards contained in Section 16.F. In addition, the development shall meet the following criteria:

Any exit driveway or driveway lane shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction.

<table>
<thead>
<tr>
<th>Posted Speed Limit</th>
<th>Sight Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 mph</td>
<td>250'</td>
</tr>
<tr>
<td>30 mph</td>
<td>300'</td>
</tr>
<tr>
<td>35 mph</td>
<td>350'</td>
</tr>
<tr>
<td>40 mph</td>
<td>400'</td>
</tr>
<tr>
<td>45 mph</td>
<td>450'</td>
</tr>
<tr>
<td>50 mph</td>
<td>500'</td>
</tr>
<tr>
<td>55 mph</td>
<td>550'</td>
</tr>
</tbody>
</table>

(NOTE: The measurements shall be from the driver's seat of a vehicle standing on that portion of the exit driveway from distances between 10 and 15 feet behind the curb line or edge of shoulder, with the height of the eye 3.5 feet to the top of an object 4.25 feet above the pavement.)


5. The Board may place conditions upon an application to minimize potential impacts to the Town's ground water resources. The use will not increase the contaminant concentration in the ground water to more than 80% of the State's Primary Drinking Water Standard or Secondary Drinking Water Standard. In addition, the use will not decrease the quantity of ground water available on
nearby properties below that needed to support existing uses or foreseeable potential expansions of existing uses.

6. Phosphorus Export: The Planning Board may require a Phosphorus Impact Analysis and Control Plan for development proposals in lake watersheds. When a proposed development is within the direct watershed of a lake, the phosphorus export from development should be equal to or less than that which is calculated using the methodology established by the Maine Department of Environmental Protection using the data provided by that Department and those in the table below.

<table>
<thead>
<tr>
<th>LAKE</th>
<th>ALLOWABLE PER ACRE PROTECTION</th>
<th>PHOSPHOROUS LOAD</th>
</tr>
</thead>
<tbody>
<tr>
<td>WATERSHED</td>
<td>LEVEL</td>
<td>lbs/ppb</td>
</tr>
<tr>
<td>Green</td>
<td>Low</td>
<td>2.10</td>
</tr>
<tr>
<td>Hogan</td>
<td>Medium</td>
<td>13.70</td>
</tr>
<tr>
<td>Marshall</td>
<td>Medium</td>
<td>13.10</td>
</tr>
<tr>
<td>Mud</td>
<td>Low</td>
<td>1.10</td>
</tr>
<tr>
<td>Thompson</td>
<td>High</td>
<td>77.00</td>
</tr>
<tr>
<td>Tripp</td>
<td>Medium</td>
<td>0.18</td>
</tr>
<tr>
<td>Whitney</td>
<td>Medium</td>
<td>8.30</td>
</tr>
</tbody>
</table>

Source: Androscoggin Valley Council of Governments

1 Per acre phosphorous allocation - amount of phosphorous each developed acre is allowed to export (lbs/acre/year)

7. Municipal Services: The development will not have an unreasonable adverse impact on the municipal services, including road systems, fire department, emergency medical services, solid waste program, schools, open spaces, and recreational services and facilities.

8. Water Availability: The development shall have sufficient water available for the reasonable foreseeable needs of the development for both drinking and firefighting purposes. In determining the adequacy of water for firefighting purposes the capability of the town to provide water shall be considered along with the size and type of development.
9. Financial and Technical Capacity: The applicant shall have adequate financial and technical capacity to meet these standards.

Section 18. Administration

A. Administering Bodies and Agents

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

2. Planning Board: A Planning Board was established in accordance with the provisions of former Title 30 Section 4952, Subsection 1.

3. Board of Appeals: A Board of Appeals was established in accordance with the provisions of Title 30-A Section 2691.

4. Permits Required

After March 11, 1995 no person shall engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use without first obtaining a permit.

B. Permit Applications

1. A permit for a building, structure or use on any lot shall be issued only to the owner of record thereof, or his authorized agent.

2. Every applicant for a permit shall submit a written application, including a scaled site plan, with the Code Enforcement Officer on forms to be provided for that purpose. The application shall be accompanied by a fee to cover administrative costs. All fees are to be paid to the Town of Oxford. The application for a mobile home permit shall state the name of the owner of the mobile home, its make, serial number, length, width, color, or any other pertinent identification information. The application shall further state the location in the Town where the mobile home will be placed. The owner of the mobile home must own the land on which it will be placed; lease the land; or place the mobile home in a mobile home park.
3. 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.

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

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

6. Applications for permits, along with their accompanying plans and permits issued or other decisions, shall be maintained as a permanent record by the permitting authority.

7. If the Code Enforcement Officer (CEO) determines that the building, structure or use for which a permit is sought is one permitted by this Ordinance without Planning Board review, or is one prohibited by this Ordinance, the CEO shall grant or deny the permit within 25 (twenty-five) days after receipt of the application.

8. If the CEO determines that the building, structure, or use for which a permit is sought is one requiring Planning Board review, he shall refer the application to the Planning Board and place that application on the Planning Board Agenda.

9. The Applicant, or a duly authorized representative, shall attend a meeting of the Board to discuss the Application. The CEO or the Board shall provide the Applicant a dated receipt for the Site Plan Review Application at the Board meeting where the Application is first presented and heard by the Board.

C. Procedure for Administering Permits

1. The CEO or Planning Board shall notify the applicant within 35 days of the date of receiving a written application in writing either that the application is a
complete application or what specific additional material is needed to make the application complete if the application is incomplete.

2. For applications which require Planning Board review, the Planning Board shall approve, approve with conditions, or deny the application within 35 days except if:

a. The Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or

b. The Board deems appropriate, a public hearing may be scheduled for the application. In which case, a public hearing shall be scheduled within 35 days of the date on which the completed application first appears on the Planning Board agenda, and a decision shall be rendered and the applicant notified in writing within 35 days of the public hearing:

   i. Before a public hearing, the Planning Board shall notify property owners within 500 feet, the fire chief, the police chief, the town manager, and the Oxford Water District if within 1000 feet of the water service area or ground water protection zone, and

   ii. Notice of a public hearing shall be published at least two times in a newspaper having general circulation in the town. The date of the first notice must be at least seven (7) days prior to the hearing.

3. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

4. 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.

D. 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. If work is not completed within two years from the date of issuance, a new application must be made. The Town will have the authority to waive additional notice to abutters and fees which may be required.
E. 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 unless written authorization attesting to the validity and currency of all local permits has been issued by the appropriate municipal officials. Following installation of service, the utility company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

F. Appeals

1. Appointment and Composition

   a. There shall be a Board of appeals of five (5) members plus not more than two (2) alternates, all of whom shall be residents of the Town of Oxford. (Compensation set at $10.00 a meeting)

   b. The members of the Board shall be appointed by the Board of Selectmen in accordance with the laws of the State of Maine.

   c. The terms of the members shall be for three years except that the initial appointments shall be made so that the terms of not more than two (2) members may expire in any given year.

   d. Neither a municipal officer nor his/her spouse may be a member of the Board.

   e. When there is a permanent vacancy, the Board of Selectmen shall appoint a person to fill the unexpired term within ninety (90) days.

   f. The Board shall elect a Chairman, Vice Chairman, and Secretary from its membership.

   g. The Secretary shall keep all records as required by law.

   h. The Board may appoint a recording Secretary from outside the Board, who shall be compensated for duties performed.
2. **Powers and Duties of the Board of Appeals.** The Board of Appeals shall have the following powers:

a. **Administrative Appeals:** To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is **not** appealable to the Board of Appeals.

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

3. **Variance Appeals.** Variances may be granted only under the following conditions:

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

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

c. The Board shall not grant a variance unless it finds all of the following:

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

ii. The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
a. That the land in question cannot yield a reasonable return\(^1\) unless a variance is granted;

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

c. That the granting of a variance will not alter the essential character of the locality; and

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

\(^1\) In order to satisfy the reasonable return requirement, the applicant must demonstrate that strict compliance with the terms of this ordinance would result in the practical loss of substantial, current beneficial use of the land. Reasonable return is not maximum return, and variances shall not be granted to increase return.

d. Notwithstanding Section 18.F.3.c.ii, above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance and shall limit the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term “structures necessary for access to or egress from the dwelling” shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

e. A variance granted under this subsection is strictly limited to permitting a variance from a setback requirement for a single-family dwelling that is the primary year-round residence of the petitioner, if the petitioner has obtained the written consent of abutting landowners. A variance under this subsection may not exceed 20% of the setback requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage. The Board of Appeals shall limit any variances to the greatest extent possible, and in doing so may impose such conditions to a
variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

f. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials (the Code Enforcement Officer, the Planning Board, the Town Manager, and the Board of Selectmen) and if the variance request involves the **Shoreland Zone** to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Municipal Officials and/or the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

4. **Administrative Appeals**

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a *de novo* hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a *de novo* capacity, the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

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

a. Making an Appeal

i. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement related matters as described in Section 18.F.2.a. above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

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

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

   b. If a \textit{de novo} appeal, 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 and if an \textit{appellate} appeal only the written documentation provided the Planning Board.

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

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

b. Decision by Board of Appeals

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

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

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

6. Appeal to Superior Court

Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

7. Reconsideration

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

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

G. 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 (mailed to the last known address or hand-delivered to) the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of 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.

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, shall 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 of Oxford. The Municipal Officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of
this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. **Fines**

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452. Current penalties include fines of not less than $100 nor more than $2,500 per violation for each day that the violation continues.

**Section 19. Petition for Rezoning; Bond.** If a person petitions for rezoning of an area for the purpose of development in accordance with an architect's plan the area may not be rezoned unless the petitioner posts a performance bond equal to at least 25% of the estimated cost of the development. The bond shall become payable to the Municipality of Oxford if the petitioner fails to begin construction in a substantial manner and in accordance with the plan within one year of the effective date of the rezoning.

**Section 20. Definitions**

**A. Construction of Language** - In this Ordinance, certain terms or words should be interpreted as follows:

1. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory, the word "may" is permissive; the words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used or occupied", and the word "dwelling" includes the word "residence". In the case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.
2. Terms not defined shall have the customary dictionary meaning.

B. Definitions - In this Ordinance, the following terms have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

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.

Addiction Treatment Facility: A facility for outpatient detoxification and treatment of narcotic-dependent persons which administers or dispenses drugs used to alleviate adverse physiological or psychological effects incident to withdrawal from continuous or sustained use of a narcotic drug.

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

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

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

Basal Area: The cross-sectional area of a tree at four feet above the ground.

Building Envelope: The area on a lot upon which excavation, grading, and/or construction can occur.

Campground: Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.
Canopy: The more or less continuous cover formed by tree crowns in a wooded area.

Cluster Development: Is a scheme of developing a tract of land by which groups of residences are allowed on reduced size lots providing the balance of the tract is preserved as open space for recreation, conservation, agriculture or forestry use, and providing the overall density of housing on the tract is not increased above the density possible in a conventional development.

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

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

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

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

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

Driveway: A vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

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

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

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

**Expansion of Use:** The addition of weeks or more months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

**Family:** One or more persons occupying a premises and living as a single housekeeping unit.

**Flea Market:** Sale of miscellaneous household items, antiques, hardware, clothing, and/or collectibles either by a single person or by business or by a combination of persons or businesses on a continuing basis (or more than 3 days).

**Floodway:** The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

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

**Forest Management Activities:** Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or
maintenance of roads.

**Forested Wetlands:** A freshwater wetland dominated by vegetation which is six (6) meters (approximately 20 feet) or taller. (They have the same hydrological and biological characteristics as freshwater wetlands).

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

**Foundation:** The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basement walls, slabs, frost walls, knee walls sills, or other base consisting of concrete, block, brick, wood, steel, or similar material.

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

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

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

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

**Functionally Water-Dependent Uses:** Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that
can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.

**Gravel Pit:** see Mineral extraction.

**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, impoundments of rivers that are defined as great ponds.

**Ground Cover:** Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

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

**Height of a Structure:** The vertical distance between the mean original 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:** A business, occupation or profession which is located in a structure used primarily as a dwelling unit or in a structure accessory thereto. The occupation must:

1. Be carried on by a resident of the dwelling unit;
2. Be secondary to the use of the dwelling unit for residential purposes; and
3. Employ not more than two people outside the immediate family which resides in the dwelling unit.

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

**Individual Private Campsite:** An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to 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.

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

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

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

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

**Lot:** A parcel of land in single ownership, described on deed, plot, or similar legal document. A parcel divided by a street shall be considered as two separate lots.

**Lot of Record:** A parcel of land, a legal description of which, or the dimensions of
which are recorded on a document or map on file with the County Register of Deeds.

**Manufactured Housing Dealer or Developer Dealer:** Any person or entity engaged in:

1. The retail selling, or offering for sale, brokering or distribution of manufactured homes, primarily to a person who, in good faith, purchases these homes for purposes other than resale, or
2. The installation of manufactured housing.

(“Manufactured Housing”, “Dealer”, “Developer Dealer” and “installation” shall have the same definitions as in the Rules for licensing Manufacturers, Dealers, Installers, & Mechanics as adopted pursuant to Title 10, Chapter 951, M.R.S.A. § 9002.)

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

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

**Mineral Exploration:** Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

**Mineral Extraction:** Any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

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

**Mobile Homes:**

1. **HUD Code Mobile Homes:** Those dwelling units constructed after June 15, 1976 that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development (HUD) standard,
meaning structures, transportable in one or more sections that, in the traveling
mode, are 8 body feet or more in width and 40 body feet or more in length or,
when erected on site, are 320 or more square feet, and are built on a permanent
chassis and designed to be used as dwellings, with or without permanent
foundations, when connected to the required utilities, including the plumbing,
heating, air-conditioning and electrical systems contained therein; except that
such term shall include any structure that meets all the requirements of this
paragraph except the size requirements and with respect to which the
manufacturer voluntarily files a certification required by HUD and complies
with the standards established under the National Manufactured Housing
Construction and Safety Standards Act of 1974, 42 United States Code 5401, et
seq; [2005, c. 344, §4 (amd).]

2. Pre-HUD Code Mobile Homes are those mobile manufactured housing units
constructed prior to June 15, 1976, meaning structures, transportable in one or
more sections, that are 8 body feet or more in width and are 32 body feet or
more in length and are built on a permanent chassis and designed to be used as
dwellings, with or without permanent foundations, when connected to the
required utilities, including the plumbing, heating, air-conditioning or electrical
systems contained therein.

Modular Home: Those manufactured dwelling units that the manufacturer certifies are
constructed in compliance with the State of Maine Manufactured Housing Act and
Regulations, meaning structures transportable in one or more sections and designed
to be used as dwellings on foundations when connected to required utilities,
including the plumbing, heating, air-conditioning or electrical systems contained
therein.

Multi-family dwelling: a residential structure containing three (3) or more residential
dwelling units.

Native: Indigenous to the local forests.

Non-Conforming Condition: Non-conforming lot, structure or use which is allowed
solely because it was in lawful existence on March 11, 1995 or at the time a
subsequent amendment to this Ordinance takes effect.

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

**Non-Conforming Structure:** A structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence on March 11, 1995 or at the time a subsequent amendment to this Ordinance takes 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 solely because it was in lawful existence on March 11, 1995 or at the time a subsequent amendment to this Ordinance takes 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 wetlands 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.

**Outlet Stream:** any perennial or intermittent stream, as shown on the most recent edition of the 7.5 minute series or, if not available, a 15 minute series topographic map produced by the United States Geological Survey, that flows from a freshwater wetland.

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

**Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line or Within a Wetland:**

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

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

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

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

**Recent Floodplain Soils:** The following soil series as described and identified by the National Cooperative Soil Survey:

- Fryeburg
- Hadley
- Limerick
- Podunk
- Rumney
- Saco
- Suncook
- Sunday
- Winooski
- Lovewell
- Medoma
- Ondawa
- Alluvial
- Cornish
- Charles

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

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

**Recreational Vehicle Accessory Enclosure:** A factory-manufactured rigid metal or vinyl enclosure, with the dimensions not exceeding eight feet in width, nor the length of the recreational vehicle, and designed for use with recreational vehicles. The term shall not include decks, patios, awnings, awning tents, screen panels or enclosed roof projections.

**Replacement System:** A system intended to replace:

1. An existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or

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

**Residual Basal Area:** The average of the basal area of trees remaining on a harvested site.

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

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

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

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

**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.

**Shoreland Zone:** The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

**Shoreline:** The normal high-water line or upland edge of a freshwater wetland.

**Sign:** Means any structure, display, logo, device or representation which is designed or used to advertise or call attention to any thing, person, business, activity or place and is visible from any public way. It does not include the flag, pennant or insignia of any nation, state or town. Whenever dimensions of a sign are specified, they shall include frames. Identical sign faces, separated by no more than two feet and mounted on the same base or posts are considered one sign provided that only one face is visible from one direction of travel on each adjacent road.

**Sign Area:** The area contained within the sign perimeter as herein defined.

**Sign Perimeter:** A series of no less than 3 or more than 4 straight lines beginning and ending at the same point touching or following all extremities of the sign. Where the lines meet, they shall not form an interior angle of more than 180°. The perimeter does not include post(s) between the sign and the ground and of a size necessary to hold the sign unless the posts set in/on a visible base, in which case, the perimeter of the sign must include the base and post(s), or unless the post(s) are larger than necessary for support.

**Significant river segments:** See Title 38 MRSA Sec. 437. There are none in the
Municipality of Oxford at the time of the adoption of this Ordinance.

**Significant Wildlife Habitat:** Habitat for species on the official state or federal lists of endangered or threatened species: high or moderate value deer wintering areas and travel corridors as defined by the Dept. of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by Dept. of Inland Fisheries and Wildlife.

**Slope in Percent:** Shall be measured as the horizontal rise in feet over 100 feet of vertical distance.

**Slope as Ratio:** Where slope is designated as a ratio, (i.e. 3:1) it shall be the ratio of the horizontal distance to the vertical rise.

**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 a shoreland zone.

**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 (such as decks, walkways, driveways, patios, satellite dishes, etc.), exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops such as guy ing and guy anchors. The term includes structures temporarily or permanently located.

**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.

**Timber Harvesting and Related Activities:** Timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

**Tributary Stream:** 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.

**Upland Edge of a Wetland:** The boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

**Vegetation:** All live trees, shrubs, ground cover, and other plants including, without limitation, trees both over and under 4 inches in diameter, measured at 4 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, and stream.
**Water Crossing:** Any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include, but may not be limited to, roads, fords, bridges, culverts, water lines, sewer lines, and cables, as well as maintenance work on these crossings.

**Wetland:** See freshwater wetland.

**Wetlands Associated with Great Ponds and Rivers:** Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

**Wind Firm:** The ability of a forest stand to withstand strong winds and resist wind throw, wind rocking, and major breakage.

**Woody Vegetation:** Live trees or woody, non-herbaceous shrubs.

**Yard Sale:** Sale of miscellaneous household items, antiques, hardware, clothing, and/or collectibles at a residence.

**Section 21. Medical Marijuana Registered Dispensary and/or Cultivation Facility**

1. No Medical Marijuana registered dispensary and or Medical Marijuana Cultivation Facility shall be located within 1000 feet of the property line upon which the Dispensary and/or Facility is or are located and the property line of a preexisting public or private school. Additional, no Medical Marijuana Registered Dispensary and/or Medical Cultivation Facility shall be located within 500 feet of the property line upon which The Dispensary and/or Facility is or are located and the nearest property line of any of the following which is or in existence when an application for a Medical Marijuana Registered Dispensary and/or Medical Marijuana Cultivation Facility is made:
   A. Preexisting church or other facility for religious worship,
   B. Preexisting licensed daycare facility, or preexisting methadone clinic.
2. No Medical Marijuana Registered Dispensary and/or Medical Marijuana Cultivation Facility shall be located within 250 feet of the property line of a
preexisting private residence.

3. No more than three (3) Medical Marijuana Registered Facility and/or three (3) Marijuana Cultivation Facility shall be located in the Town of Oxford. The Medical Marijuana Registered Dispensary and Medical Marijuana Cultivation Facility shall be located on the same property that shall be under common ownership.

4. A Medical Marijuana Registered Dispensary shall only be open for business between the hours of 8:00a.m. and 8:00p.m. daily.

5. Security measures at a Medical Marijuana Registered Dispensary and/or Medical Marijuana Cultivation Facility shall include the following at a very minimum:
   a. Security surveillance cameras installed and operation twenty-four (24) hours a day, seven (7) days a week to monitor all entrances, along with the interior and exterior of the dispensary and/or facility, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring on the property.
   b. Door and window intrusion, robbery and burglary alarm systems with an audible on-site system and Police Department notification components that are professionally monitored and maintained in good working condition, using hard line traditional telephone communications and cellular communication;
   c. A safe must be affixed to the building in which it is located that is suitable for the storage of all prepared and/or processed marijuana and cash stored overnight in the dispensary and/or facility;
   d. Exterior lighting that illuminates all exterior walls of the licensed dispensary and/or facility and
   e. Deadbolt locks on all exterior doors and locks or bars on any other access point
all security recordings shall be preserved for thirty (30) days by management of licensed dispensary and/or facility.

6. The consumption, ingestion or inhalation of medical marijuana on or within the property of a Medical Marijuana Registered Dispensary and/or Medical Marijuana Cultivation Facility is prohibited; provided, however, that a Medical Marijuana Registered Dispensary and/or Medical Marijuana Cultivation Facility employee who is a registered patient, as that term is defined in 22 M.R.S.A. § 2422 (12), as the same may be amended from time to time, may consume medical marijuana inside the building(s) on the licensed property, if such consumption occurs via oral consumption and not by smoking. For purpose of the subsection, the term “licensed property” shall include the lot or parcel of the land upon which the Medical Marijuana Registered Dispensary and/or Medical Marijuana Cultivation Facility are located.

7. Visibility of activities; control of emissions; disposal plan for a Medical Marijuana Registered Facility and/or Medical Marijuana Cultivation Facility
shall be as follows:
(1) All activities of Medical Marijuana Registered Dispensaries and/or Medical Marijuana Cultivation Facilities, including, without limitation, cultivation, growing, processing, displaying, selling and storage shall be conducted indoors.
(2) No marijuana or paraphernalia shall be displayed or kept in a dispensary or facility so as to be visible from outside the building(s).
(3) Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a dispensary and/or facility must be provided at all times. Sufficient measures shall be provided for the proper disposal of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable state and local laws and regulation.
(4) All Medical Marijuana Registered Dispensaries and/or Medical Marijuana Cultivation Facility shall have in place an operation plan for proper disposal or marijuana related byproducts.

Section 22: Delegated Authority

The Planning Board is delegated authority to review and approve development that does not meet frontage, setback or area requirements if it promotes “harmonious” and “superior” development; such approval is expressly not a variance.