2019

Town of Parkman Maine Ordinances

Parkman, Me.
PARKMAN LAND USE ORDINANCE

ENACTED APRIL 1, 1974
Amendments Revised, 1977
Amendments Revised 1978
Amendments Revised 1991
Amendments Revised 1992
Amendments Revised 1994
Amendments Revised 1995
Amendments Revised 1997
Amendments Revised 2000
Amendments Revised 2005
Amendments Revised 2006

SECTION 1. EFFECTIVE DATE
The effective date of this ordinance is April 30, 1979. A certified copy of this ordinance shall be filed with the Piscataquis County Registry of Deeds and the State Planning Office, pursuant to State Law.

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

This ordinance may be amended by a majority of vote of the governing body; and said amendments shall be filed with the State Planning Office and the Piscataquis County Register of Deeds.

SECTION 2. PURPOSE
THE PURPOSES OF THIS ORDINANCE ARE:
To further the maintenance of safe and healthful conditions;
To prevent and control water pollution;
To conserve land and water resources;
To protect wildlife habitat;
To retain our town's rural aspect;
To conserve shore cover, visual as well as actual points of access to inland waters, and natural beauty;
To enhance the environmental quality of our town;
To control building sites, placement of structures, and land use;
To provide for sound economic development and prevent development that might cause an unreasonable tax burden on the people of the town.

SECTION 3: APPLICABILITY
This ordinance applies to all land areas within the town of Parkman. These regulations require that an application for a permit must be submitted prior to commencing any of the following land uses or activities.

1. Any residential dwelling whether seasonal or year round.
2. Any subdivision of land.
3. Any commercial or industrial development, (public campgrounds and Public utilities are considered in this class.)
4. Any private sewage disposal system.
5. Any quarry, gravel pit, sod farm, or other operation which involves Excavation of 10 cubic yards or more of soil or bedrock, including Road construction.
6. Uses which, in the opinion of the Planning Board, are similar to any of the above.
7. Any structure of one hundred (100) square feet of footprint or more, free standing or addition.

Any lawful use existing at the effective date of this Ordinance or amendments hereto may continue and be maintained, repaired, and improved. Should a land use be expanded or changed to another land use, or discontinued for a period of 12 (twelve) calendar months or more; then it shall be subject to these regulations.

SECTION 4. LAND USE STANDARDS
A. SOILS
All land uses shall be located on soils in or upon which the proposed uses or structures can be constructed, maintained, and used without causing severe erosion, mass soil movement, or water pollution. If said land use or structures are proposed to be located on soils mapped as having severe or very severe limitations by the Soil Conservation Service, the applicant shall provide detailed technical information showing how the limitations are to be overcome.

B. LOT REQUIREMENTS

1. The minimum lot size shall be two (2) acres or 87,120 square feet.

2. If more than one residential dwelling unit is constructed on a single parcel, the minimum lot size shall be met for each additional dwelling unit.

3. All buildings and structures will be set back at least 75 (seventy-five) feet from the center line of any public road or public right of way, except when building on, adding to, or expanding an existing building or structure closer than 75 (seventy five) feet, as long as the new construction is no closer than the original structure from the public road or public right of way and at least 10 (ten) feet away from adjoining property lines.

4. The minimum front footage of any lot abutting a public or private road, or public or private right-of-way shall be 200 (two hundred) feet. With the exception of owned right of ways, or right of ways, which shall be a minimum of 50 (fifty) feet.

5. The minimum lot frontage on any shoreline shall be 200 (two hundred) feet. All buildings and structures, except those requiring direct access as an operational necessity, shall be setback at least 100, (one hundred), feet from the normal high water mark of any shore and meet requirements of Shore Land Zoning Ordinance.

6. Campgrounds. In addition to State requirements, campgrounds shall have at least 5,000 (five thousand), square feet of area for each camping site, roadways excluded. Sites for buildings, vehicles, shelters, or tents shall be at least 100, (one hundred), feet from normal high water levels.

C. EROSION AND SEDIMENTATION CONTROL

Filling, grading, lagooning, dredging, earth-moving, and other land use activities shall be conducted in a manner to prevent, to the maximum extent possible, soil erosion. All construction shall be in conformance with the provisions of the "Environmental Quality Handbook for Erosion and Sediment Control", published by the Maine Soil and Water Conservation Commission.

D. TIMBER HARVESTING

Timber harvesting shall be conducted in such a manner that soil erosion and water sedimentation shall be kept to a minimum. Between high water levels and anywhere that skid trails, logyards, etc., expose any substantial amount of mineral soil there shall be a belt of unscarred ground of the widths shown below:

<table>
<thead>
<tr>
<th>Average slope of land Between exposed mineral ground and normal High water mark. (Percent)</th>
<th>Width of unscarred between exposed Soil and the normal mineral soil High water mark. (Feet along ground surface)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0%</td>
<td>25</td>
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<tr>
<td>10%</td>
<td>45</td>
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<td>70%</td>
<td>165</td>
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<tr>
<td>over 70%</td>
<td>250</td>
</tr>
</tbody>
</table>

Harvesting activities shall not create single openings greater than seven thousand five hundred (7,500) square feet in the forest canopy within 250 feet of shoreline.

In any stand, harvesting shall remove not more than forty (40) percent of the volume of trees in any ten, (10), year period within 250 feet of shoreline. For the purpose of these standards, a stand means a continuous group of trees, sufficiently uniform in species, arrangement of age classes, and conditions, to be identifiable as a homogeneous and distinguishable unit.

Campgrounds, logging roads, and all other roads for private use shall be located, constructed, and maintained in conformance with the erosion provisions of "Permanent Logging Roads for Better Woodlot Management, published by U.S.D.A. in 1973 or
E. SIGNS

Billboards and signs relating to goods and services not rendered on the premises are prohibited. There shall be no more than two, (2), signs per premises, they shall not extend above sixteen (16) feet above the ground, and may be illuminated only by shielded, non-flashing lights.

F. SANITARY STANDARDS

All subsurface sewage disposal systems shall be located on the soils having characteristics allowing them to be rated as having, "slight", or "moderate" limitations by the Soil Conservation Service, USDA. The minimum setback for underground sewage disposal systems from the normal high water mark of a water body shall be 100, (one hundred) feet, horizontal feet, and if daily sewage flows exceeds 2,000 (two thousand) gallons per day the minimum setback shall be 300, (three hundred), feet. State plumbing code requirements shall be met in full.

No plumbing of any kind shall be discharged in the privy pit. The privy shall be located at a minimum horizontal distance of 100, (one hundred), feet from the normal high water mark of a water body and the bottom of the privy pit shall be at least two, (2), feet above bedrock and the groundwater table at its highest point or have a watertight vault.

G. MANURE DISPOSAL

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

H. SHORELAND USE:

There shall be no construction or development within 100 (one hundred) feet of Bennett Pond due to its use as a municipal water source. There shall be no structures constructed within the floodplain of Kingsbury Stream which is defined as that area mapped as Limerick or Alluvial by the Soil Conservation Service. There shall be no structures or development within 100, (one hundred), feet of any wetlands, swamplands, marshes, or bogs whose area is greater than two, (2) acres: said edge identifiable on the basis of soils and vegetation. A cleared opening or openings not greater than 30, (thirty), feet in width for every 100, (one hundred), feet of shoreline measured along the normal high water mark may be created in the strip extending 50, (fifty), feet inland and parallel to the shoreline, said opening to be planted and maintained in vegetative cover.

No substantial accumulation of slash shall be left within 50, (fifty) horizontal feet of any normal high water mark, and no slash shall be more than 4, (four) feet above ground within 250 (two hundred fifty) feet of any normal high water mark. For further reference see, "State of Maine Guidelines for Municipal Shore Land Zoning Ordinances", published by the Department of Environmental Protection, March 24, 1990 and subsequent revision.

SECTION 5. ADMINISTRATION

A. ADMINISTRATIVE AGENTS AND BOARDS

There is hereby created a Board of Appeals of the Town of Parkman pursuant to the provisions of State Law.

A Code Enforcement Officer shall be appointed by the Municipal Officers. The Code Enforcement Officer will provide information on the State Statutes and regulations involving the following: Site Location Law, Subdivisions, Shore Land Zoning, Forest Land, Farm Open Space Tax Law, Timber Harvesting, Residential Lots, Air Quality Standards, Water Quality Standards, Automobile Graveyards, Junkyards and Dumps, Sewage Systems, and Waste Disposals, Plumbing Inspector and regulations, Signs, Driveways to State Highways, Alterations of Lake Shores or Streambanks, Mineral Exploration, Comprehensive Planning and Planning Boards, Nuisances, Fire Prevention, Pesticides, and Campgrounds.

B. PERMITS

1. PERMITS REQUIRED

After the effective date of this Ordinance no person shall engage in any use of land requiring a permit in the district which it would occur, or expand or change an existing non conforming use, without first obtaining a permit.

2. PERMIT APPLICATIONS

These permit applications steps are to insure complete installation of approval plans before occupancy.

1. Acquire a Land Use Zoning Ordinance Application.

2. Site analysis, septic design and lot dimension.

3. Plumbing permit from Local Inspector.

4. Acquire Land Use Zoning Ordinance approval from Code Enforcement Officer.

5. Have septic system installed and inspected by Local Plumbing Inspector.

6. Submit an installation of electric service, if applicable.

3. PLUMBING PERMIT REQUIRED PRIOR TO BUILDING PERMIT

No building permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a permit for such facilities has been secured by the applicant or his authorized agent, according to the requirements of this Ordinance.

4. APPROVAL OF PERMITS

Permits shall not be denied if the proposed use is found to be in conformance with the provisions of this Ordinance. All permits shall either be approved or denied within 60, (sixty), days of receipt of a completed application, including all information requested. The Planning Board may delegate authorization to the Code Enforcement Officer to approve or deny any land use permit in conformance with the provisions of this Ordinance; all applications shall be reviewed by the Planning Board.
Board. The Planning Board or Code Enforcement Officer may, after submission of a complete application including all information requested, grant a permit if it makes a positive finding based on the information presented to it that, the proposed use:

A. Will not result in unsafe or unhealthful conditions.
B. Will not result in erosion or sedimentation.
C. Will not result in damage to spawning grounds, fish, aquatic life, bird, and other wildlife habitat.
D. Will conserve shore land vegetation.
E. Will conserve actual points of access to waters as viewed from public facilities.
F. Will conserve actual points of public access to waters.
G. Will conserve natural beauty and environmental quality.
H. Will avoid problems associated with floodplain development USC.
I. Will not result in an unreasonable tax burden on the people of the town, and
J. Is in conformance with the Land Use Standards of this Ordinance.

5. CONDITIONS
Permits granted under this Section may be subject to reasonable conditions to ensure conformity with the purposes and provision of this Ordinance. If this Ordinance conflicts with any other local or State Ordinance, than the more stringent regulation shall apply.

C. APPEALS AND VARIANCES
1. VARIANCES
The Board of Appeals may, upon written application of the affected landowner, grant a variance from the strict application of the terms of this Ordinance if said terms would result in undue hardship to the applicant or would not be in the best interest of the town; provided that the hardship is not the result of action taken by the applicant or a prior owner, and that clear and convincing evidence shall be presented to the Board of Appeals showing that the proposed use would meet the provisions of Section 5-B, subsection 4, paragraph A-K.

2. APPEALS TO BOARD OF APPEALS
The Board of Appeals may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Planning Board or Code Enforcement Officer in the administration of this Ordinance. Such hearings shall be held in accordance with State Laws. Following such hearing, the Board of Appeals may reverse the decision of the Planning Board or Code Enforcement Officer only upon a finding that the decision is clearly contrary to the specific provisions on this Ordinance.

3. APPEAL TO SUPERIOR COURT
An appeal may be taken within 30, (thirty), days after any decision is rendered by the Board of Appeals, by any party to Superior Court in accordance with State Law.

D. ENFORCEMENT
1. NUISANCES
Any violation of this Ordinance shall be deemed to be a nuisance.

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

3. LEGAL ACTIONS
When the above actions does not result in the correction or abatement of the violations or nuisance condition, the Municipal officers upon notice from the Code Enforcement Officer, are hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violation and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

4. FINES
Any person who continues to violate any provisions of this Ordinance after receiving notice of such violation shall be guilty of a misdemeanor subject to a fine of up to $100.00 for each violation. Each day such a violation is continued is a separate offense.

SECTION 6. DEFINITIONS
Terms not defined herein shall have the customary dictionary meaning. As used in this Ordinance, the following shall apply:

Pond: Any inland body of water which has a surface area in excess of to (ten) acres, except where such body of water is man-made and in addition is completely surrounded by land held by a single owner, and except those privately owned ponds which are held primarily as waterfowl and fish breeding areas or for hunting and fishing.

Normal High Water mark of Inland Waters: That line on the shores and banks of non-tidal waters which is apparent because of the contiguous different character of the soil or the vegetation due to prolonged action of the water. Relative to
vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial, (by way of illustration, aquatic vegetation includes, but is not limited to, the following plants and plant groups - water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses).

**Timber Harvesting:** The cutting and removal of trees from their growing site. Timber harvesting does not include the clearing of land for approved construction, creation of an agricultural field, residential lot clearing, or the construction of roads.

**Road:** A route of track for motorized vehicles consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed by earth moving activities such as bulldozing, placement of culverts, and placement of fill.

**Structure:** Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind.

**Residential Dwelling Unit:** A room or group of rooms designed and equipped exclusively for use as a permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes.

**Aggrieved Party:** A person whose land is directly or indirectly affected by the grant or denial of a permit or variance under the Ordinance, a person whose land abuts land for which a permit or variance has been granted, or a group of five, (5), or more citizens of the municipality who represent an interest adverse to the grant or denial of such permit or variance.
TOWN OF PARKMAN

LOCAL FOOD AND COMMUNITY SELF-GOVERNANCE ORDINANCE

PREAMBLE

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

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

SECTION 1: TITLE

This Ordinance shall be known and may be cited as the “Town of Parkman Local Food and Community Self-Governance Ordinance” (the “ordinance”).

SECTION 2: PURPOSE

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

1. Provide citizens with unimpeded access to local food;
2. Enhance the local economy by promoting the production and purchase of local agricultural products;
3. Protect access to farmers’ markets, roadside stands, farm-based sales and direct producer to patron sales;
4. Support the economic viability of local food producers and processors;
5. Preserve community social events where local foods are served or sold;
6. Preserve local knowledge and traditional food ways.

SECTION 3: AUTHORITY

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

1. The Declaration of Independence of the United States of America, which declares that governments are instituted to secure peoples’ rights, and that government derives its just powers from the consent of the governed.
2. Article 1, §2 of Maine Constitution, which declares: “all power is inherent in the people; all free governments are founded in their authority and instituted for their benefit, [and that] they have, therefore, an unalienable and indefeasible right to institute government and to alter, reform, or totally change the same when their safety and happiness require it.”
3. § of Title 30-A of the Maine Revised Statutes, which grants municipalities all powers necessary to protect health, safety and welfare of the residents of the Town of Parkman.
4. § 211 of Title 7 of the Maine Revised Statutes, which states: “it is the policy of the State to encourage food self-sufficiency for the State.”

SECTION 4: STATEMENTS OF LAW

4.1 Licensure/Inspection Exemptions

(1) Produces or processors of local foods in the Town of Parkman are exempt from licensure and inspection provided that the transaction is only between the producer or processor and patron when the food is sold for home consumption. This includes any producer or processor who sells his or her products at farmers’ markets or roadside stands; sells his or her products through farm-based sales directly to a patron; or delivers his or her products directly to patrons.

(2) Producers or processors of local foods in the Town of Parkman are exempt from licensure and inspection provided that their products are prepared for, consumed, or sold at a
4.2 Right to Access and Produce Food.

Parkman citizens possess the right to produce, process, sell, purchase, and consume local Foods of their choosing.

4.3 Right to Self-Governance.

All citizens of Parkman possess the right to a form of governance which recognizes that all power is inherent in the people and that all free governments are founded on the peoples’ authority and consent.

4.4 Right to Enforce.

Parkman citizens possess the right to adopt measures which prevent the violation of the rights enumerated in this Ordinance.

SECTION 5: STATEMENT OF LAW IMPLEMENTATION.

The following restrictions and provisions serve to implement the preceding statements of law.

5.1 State and Federal Law.

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

5.2 Patron Liability Protection

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

SECTION 6: CIVIL ENFORCEMENT

The Town of Parkman may enforce the provisions of this Ordinance through seeking equitable relief from a court of competent jurisdiction. Any individual citizen of the Town of Parkman shall have standing to vindicate any rights secured by this Ordinance which has been violated or which are threatened with violation, and may seek relief both in the form of injunctive and compensatory relief from a court of competent jurisdiction.

SECTION 7: TOWN ACTION AGAINST PREEMPTION

The foundation for making and adopting a law is the peoples’ fundamental and inalienable right to govern themselves, and thereby secure their rights to life, liberty, and the pursuit of happiness. Any attempt to use other units and levels of government to preempt, amend, alter or overturn this Ordinance or parts of this Ordinance shall require the Town to hold public meetings that explore the adoption of other measures that expand local control and the ability of citizens to protect their fundamental and inalienable right to self-government. It is declared that those other measures may legitimately include the partial or complete separation of the Town from the other units and levels of government that attempt to preempt, amend, alter, or overturn this Ordinance.

SECTION 8: EFFECTIVE DATE

This Ordinance shall be effective immediately upon its enactment.

SECTION 9: SEVERABILITY

To the extent any provisions of this Ordinance is deemed invalid by a court of competent Jurisdiction, such provision will be removed from the Ordinance, and the balance of the Ordinance shall remain valid.

SECTION 10: REPEALER

All inconsistent provisions of prior Ordinances adopted by the Town of Parkman are hereby repealed, but only to the extent necessary to remedy the inconsistency.

SECTION 11: DEFINITIONS

As used in this Ordinance, the following words and phrases shall have the meanings indicated:

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

**Home Consumption.**

“Home consumption” means consumed within a private home.

**Local Foods.**

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

**Patron.**

“Patron” means an individual who is the last person to purchase any product or preparation directly from a processor or producer and who does not resell the product or preparation.

**Processor.**

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

**Producer.**

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

Attest: A true copy of an ordinance entitled “Town of Parkman Local Food and Community Self-Governance Ordinance” for the Town of Parkman as certified to me by the Municipal Officers of Parkman on the 8th day of February, 2018.

Brenda J. Hartford
Town Clerk of Parkman
MUNICIPALITY OF PARKMAN MORATORIUM

ORDINANCE ON RETAIL MARIJUANA ESTABLISHMENTS AND RETAIL MARIJUANA STORES AND RETAIL MARIJUANA SOCIAL CLUBS

WHEREAS, the Marijuana Legalization Act (hereinafter, “Act”) authorizes municipalities to regulate the number of retail marijuana stores and the location and operation of retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined in the Act, as well as providing the option to prohibit the operation of retail marijuana social clubs and retail marijuana establishments, including stores, cultivation facilities, manufacturing facilities and testing facilities, within their jurisdiction; and

WHEREAS, the proposed Act will not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S.A. § 2421-2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities associated with any of those classifications; and

WHEREAS, the Municipality’s current ordinances do not include any regulations related to retail marijuana stores, retail marijuana establishments or retail marijuana social clubs under the proposed new Act; and

WHEREAS, the unregulated location and operation of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs within the Municipality of Parkman raises legitimate and substantial questions about the impact of such establishments, stores and social clubs on the Municipality, including questions about the compatibility of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with existing uses and development in residential, commercial and industrial zoning districts; the potential adverse health and safety effects of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs on the community if not properly regulated; the possibility of illicit sale of and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products by those who would abuse the uses authorized under the Act; potential criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medical purposes and the potential increased burden on the county police departments, as well as area fire departments; and the adequacy of the Municipality’s streets and infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments, retail marijuana stores or retail marijuana stores or retail marijuana social clubs; and

WHEREAS, the possible effect of the location and operation of retail marijuana establishments and/or retail marijuana stores and/or retail marijuana social clubs within the Municipality has potentially serious implications for the health, safety and welfare of the Municipality and its residents; and

WHEREAS, the Municipality needs time to review the Act and to review its own ordinances to determine the implications of future proposed retail marijuana establishments and/or retail marijuana stores and/or retail marijuana social clubs to develop reasonable ordinances governing the location and operations of such establishments and stores and social clubs to address the concerns cited above; and

WHEREAS, the Municipality’s current ordinances are insufficient to prevent serious public harm that could be caused by the unregulated development of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and other uses authorized by the Act, there by necessitating a moratorium; and

WHEREAS, the board of municipal officers, the administration, the planning board and the code enforcement officer shall study the Municipality’s current ordinances to determine the land use and other regulatory implications of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and consider what locations, if any, and conditions of approval, if any, might be appropriate for such uses; and

WHEREAS, a moratorium is necessary to prevent an overburdening of public facilities that is reasonably foreseeable as the result of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs and other uses authorized by the Act, being located in the Municipality; and

WHEREAS, it is anticipated that such a study, review, and development of recommended ordinance changes will take at least one hundred and eighty (180) days from the date the Municipality enacts this Moratorium Ordinance on retail marijuana establishments and retail marijuana stores and retail marijuana social clubs;
NOW, THEREFORE, be it ordained by the legislative body of the Municipality of Parkman, that the following Moratorium Ordinance on retail marijuana establishments and retail marijuana social clubs be, and hereby is, enacted, and, in furtherance thereof, the legislative body does hereby declare a moratorium on the location, operation or licensing of any retail marijuana social clubs and any retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, within the Town.

This Moratorium Ordinance shall take effect, once enacted by the legislative body, but shall be applicable as of March 17, 2018 as expressly provided below. The moratorium shall remain in effect for one hundred and eighty (180) days from the date of applicability of this Ordinance, unless extended, repealed, or modified by the legislative body, for the express purpose of drafting an amendment or amendments to the Municipality’s current ordinances to protect the public from health and safety risks including, but not limited to, compatibility of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with existing and permitted uses in residential, commercial and industrial zoning districts; the correlation of retail marijuana establishments, retail marijuana stores and retail marijuana social clubs with medical marijuana cultivation facilities and dispensaries, all as defined in the Act; the potential adverse health and safety effects of retail marijuana establishments and retail marijuana stores and retail marijuana social clubs on the community if not properly regulated; the possibility of illicit sale and use of marijuana and marijuana products to minors and misuse of marijuana and marijuana products, those who would abuse the uses authorized under the new law; criminal activity associated with the cultivation, manufacturing, sale and use of marijuana and marijuana products for non-medicinal purposes and the potential increased burden on the public safety agencies serving the Municipality in responding to the same; and the adequacy of the Municipality’s infrastructure to accommodate the additional traffic and/or population that may result from the presence of retail marijuana establishments or retail marijuana stores or retail marijuana social clubs in the Municipality.

BE IT FURTHER ORDAINED, that this Ordinance shall apply to retail marijuana stores and retail marijuana social clubs and retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, as those terms are defined by the Act, codified at 7 M.R.S.A. § 2442 (36),(38) (39), (40) (41), that may be proposed to be located within the Municipality on or after March 17, 2018 applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, THAT NOTWITHSTANDING THE PROVISIONS OF M.R.S. A. § 302 or any other law to the contrary, this Ordinance, when enacted, shall govern any proposed retail marijuana establishments or retail marijuana stores or retail marijuana social clubs for which an application for a building permit, site plan or any other required approval has not been submitted to and granted final approval has not be submitted to and granted final approval by the Code Enforcement Officer, Planning Board or other Municipal official or board prior to the applicability date of this Ordinance; and

BE IT FURTHER ORDAINED, that no person or organization shall develop or operate a retail marijuana establishment or retail marijuana store or retail marijuana social club within the Municipality on or after the effective date of this Ordinance without complying with whatever ordinance amendment or amendments the legislative body may enact as a result of this Moratorium Ordinance; and

BE IT FURTHER ORDAINED, that during the time this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the Municipality shall accept, process, approve, deny, or in any other way act upon any application for a license, building permit or any other type of land use approval or permit and/or any other permits or licenses related to a retail marijuana establishment or retail marijuana stores or retail marijuana social club; and

BE IT FURTHER ORDAINED, that those provisions of the Municipality’s ordinances that are inconsistent or conflicting with the provisions of this Ordinance are hereby repealed to the extent that they are applicable for the duration of the moratorium hereby ordained, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that if retail marijuana establishments or retail marijuana stores or retail marijuana social clubs are established in violation of this Ordinance, each day of any continuing violation shall constitute a separate violation of this Ordinance, and the Municipality shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorney’s fees and costs in prosecuting any such violations; and

BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.
Attest: A true copy of a Moratorium Ordinance entitled “Municipality of Parkman Moratorium Ordinance on Retail Marijuana Establishments and Retail Marijuana Stores and Retail Marijuana Social Clubs” for the Town of Parkman as certified to me by the Municipal Officers of Parkman on the 8th day of February, 2018.

__________________________________________
Brenda J. Hartford, Town Clerk of Parkman
ESTABLISHMENT OF PARKMAN PLANNING BOARD
ORDINANCE ENACTED MARCH 24, 1973
Amendments Revised 1973
Amendments Revised 2007

1. ESTABLISHMENT
Pursuant to M.R.S.A. Const. Art. VIII-A and 30M.R.S.A. SS 1917, the Town of Parkman hereby establishes the Parkman Planning Board.

2. APPOINTMENT
A. Appointment to the board shall be elected by the Town.
B. The board shall consist of (5) five members and (2) two associate members.
C. The term of each member shall be (5) five years, except the initial appointment which shall be for (1,2,3,4, and 5 years) respectively. The term of office for an associate member shall be (5) five years.
D. When there is a permanent vacancy, the municipal officers shall within 60 days of its occurrence appoint a person to serve for the unexpired term.
E. Not more than (1) one municipal officer(s) may serve as a member or associate member.
F. Not more than (2) non-residents(s) of the Town of Parkman may serve as a member or associate member.

3. ORGANIZATION AND RULES
A. The board shall elect a chairman and a secretary from among its members and create and fill such other offices as it may determine. The term of all offices shall be (1) one year(s) with eligibility for re-election.
B. When a member is unable to act because of interest, physical incapacity, absence or any other reason satisfactory to the chairman, the chairman shall designate an associate member to sit in his stead.
C. An associate member may attend all meetings of the board and participate in its proceedings, but may vote only when he has been designated by the chairman to sit for the member.
D. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.
E. The chairman shall call at least eight meetings of the board each calendar year.
F. No meeting of the board shall be held without a quorum consisting of (3) three members or associate members authorized to vote.
G. The board shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings, and determinations. All records shall be deemed public and may be inspected at reasonable time.

4. DUTIES; POWERS
A. The board shall prepare a Comprehensive Plan as defined by 30 M.R.S.A. SS 4961. A comprehensive plan that is adopted by the board shall control until superseded by provisions adopted by the Town of Parkman legislative body.
B. The board shall perform such duties and exercise such powers as are provided by the Town of Parkman ordinance and the laws of the State of Maine.
C. The board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

Piscataquis County
Recorded Sep 05, 2007 02:11:40p
Linda M. Smith
Register of Deeds
ORDINANCE RESTRICING VEHICLE WEIGHT ON POSTED WAY

Section 1. Purpose and Authority

The purpose of this "Ordinance Restricting Vehicle Weight on Posted Ways" (hereinafter, the "Ordinance") is to prevent damage to town ways and bridges in the Town of Parkman, Maine which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the travelling 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 ss 3009 and 29-A M.R.S.A ss 2395 as in effect of this date.

Section 2. Definitions

Terms and words used in this ordinance 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 travelling public and prevent abuse of the highways, or designate the town ways and bridges to which the restrictions shall apply.

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

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

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

Section 4. Exemptions

Vehicles that are exempt from the Maine Department of Transportation's (Maine DOT) "Rules and Regulations Restricting Heavy Loads on Closed Ways" rules dated December 31, 1996 and amended on March 4, 1998, is incorporated as part of this Ordinance, are exempt from this Ordinance. In addition, any vehicle delivering home heating fuel and operating in accordance with a permit issued by the Maine DOT under 29-A M.R.S.A ss 2395 (4) and, when necessary during a period of drought emergency declared by the governor, any vehicle transporting well drilling equipment for the purpose of drilling a replacement well or for improving an existing well on property where that well is no longer supplying sufficient water for residential or agricultural purpose and operating in accordance with a permit issued by the Maine DOT under 29-A M.R.S.A ss 2395 (4-A)

Section 5. Permits

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

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

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

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

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

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

Section 6. Administration and Enforcement

This Ordinance shall be administered by the municipal officers and may be enforced by a duly authorized 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 or more than $1,000.00. Each violation shall be deemed a separate offense. In addition to any fine, the municipality may seek restitution for cost of repairs to any damaged way or bridge and reasonable attorney fees and costs. Prosecution shall be in the name of the municipality and shall be brought to the Maine District Court.

Section 8. Amendments
This Ordinance may be amended by the registered voters of the Town of Parkman 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 registered voters of the Town of Parkman at a properly noticed meeting.