2015

Town of Poland Maine Ordinances

Poland, Me.

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Barking Dog Ordinance

Section I.

Anyone owning, possessing or harboring any animal within the legal limits of the Town of Poland which barks, howls or makes sounds common to its species continuously for 20 minutes or intermittently for one hour or more shall be deemed to constitute a nuisance. Exceptions: dogs barking at trespassers or threatening trespassers on private property on which dog is situated; or any legitimate cause for provocation.

Section II.

Upon written and signed statement by the person disturbed, any constable of the Town of Poland or duly qualified law enforcement official may investigate and may give written notice to the owner or keeper or such dog that such annoyance or disturbance must cease or must be corrected.

Section III.

Thereafter, upon continuance of such annoyance or disturbance, such owner shall be guilty of a civil violation and upon conviction thereof shall be punished by a fine of not less than $50.00 nor more than $200.00 and assessed attorney’s fees for the first offense. Each additional conviction after the first conviction shall be punished by a fine of not less than $100.00 nor more than $400.00 and attorney’s fees. All fines and attorney’s fees assessed shall be recovered for the use of the Town of Poland through District Court.

Section IV.

On enactment this ordinance repeals and replaces the Town of Poland Barking Dog Ordinance enacted at the June 6, 1992 town meeting.

Source URL: https://www.polandtownoffice.org/town-clerk/pages/barking-dog-ordinance
Section 1. Title

This ordinance shall be known as the Town of Poland Beach Use Ordinance.

Section 2. Purpose

The purpose of this ordinance is to provide for the enjoyment, health, welfare and safety of all persons using the designated public beaches and beach parking areas at Lower Range Pond and Tripp Lake Beach; to provide a means of maintenance, operation and protection of the public beaches and parking areas, and to provide a family-oriented atmosphere for lawful users of these beaches.

Section 3. Administration

Authority to Act: The Poland Recreation Department, acting under the direction of the Town Manager, shall be delegated the day-to-day responsibility pertaining to maintenance, operation, and general stewardship of the designated town beaches and beach parking areas. The Poland Recreation Department, acting through the Town Manager, shall propose to the Poland Board of Selectpersons revisions of this Town of Poland Beach Use Ordinance and any rules and regulations subsequently adopted under this Ordinance to ensure enjoyment, health, welfare and safety of all persons using the beaches.

The Selectmen may adopt rules, regulations and fees not inconsistent with this Ordinance further regulating the use of Town beaches by posting a notice of proposed rule-making at the Poland Town Office and newspaper of greatest general circulation in Poland at least 7 days prior to the date of the meeting at which such rules and regulations will be considered.

These rules and regulations, consistent with the ordinance, shall also be posted in a manner reasonably conveying the rules and regulations to beach users, and shall have the full force and effect of the law.

Section 4. Use of Facilities

The use of Town-owned beaches is limited to Poland residents, and their accompanied guests, with a valid, displayed Transfer Station Use Permit, and to people who do not reside in Poland that have a valid “Beach Use Permit.”

1. Persons using Town-owned beach facilities shall do so at their own risk.

2. Town-sponsored activities or functions shall have priority for the use of all facilities over general recreational use. Notice of such activities shall be posted in advance of their scheduled date.

3. Conduct, Use and Access

   a) Posted Rules & Regulations: All town residents and landowners and accompanied guests will be expected to follow all posted rules and regulations, as well as the requirements of this Ordinance.

   b) Picnic tables: Are usable for picnicking and are available on a first come, first served basis.

   c) Offensive behavior: No person shall engage in any indecent language or behavior, nor create or permit loud noises of any type which would be offensive to any reasonable person.
d) **Supervision**: All children under age 15 must be accompanied by someone at least 18 years of age, and may be denied access without such supervision.

e) **Group activity and use other than swimming**: Poland residents, Beach Use Permit holders and accompanied guests requesting to use the beach and beach parking areas for a large group gathering or activity other than swimming must seek written approval from the Recreation Department at least 7 days prior to the date requested. A fee may be assessed if the activity costs additional resources from the town services in order for the activity to take place.

4. **Access to Beach Areas**

   a) A current, displayed Transfer Station “Use Permit” will be used by Poland residents to allow access to town of Poland beaches. Any resident not in the possession of a valid Transfer Station Use Permit may be denied access.

   b) Non-residents may utilize Town beaches and beach parking areas, shall be required to obtain a special “Beach Use Permit” from the Recreation Department.

5. **Fees**

   Fees for a Beach Use Permit shall be established by the Board of Selectmen under the provisions of Section 3 of this Ordinance.

6. **Season and Hours**

   The Tripp Lake Beach shall be open to residents holders of Beach Use Permits from June 15 to September 15 of each year, and shall have daily hours of 8:00 am to 8:00 pm.

   Lower Range Pond is open to residents holders of Beach Use Permits from June 15 to September 15 of each year, and shall have daily hours of 8:00 am to 8:00 pm. During the summer, portions of the beach area may be rented or under a lease arrangement that provides for "shared" beach use.

**Section 5. Prohibited Activities**

The following activities and uses are prohibited on all Town of Poland beaches and beach parking areas:

1. The possession or consumption of alcoholic beverages.

2. The use of glass beverage containers or bottles.

3. The kindling or use of open fires. Cooking appliances can be utilized at beach facilities as long as said cooking appliances are removed when finished, and do not cause damage or leave waste. Outdoor cooking appliances are subject to prior approval by the Fire/Rescue Department in accordance with outdoor burning privileges.

4. Overnight camping.

5. The importation and deposit of household waste or refuse generated off the beach premises in containers supplied for control of waste generated at the beach.

6. All pets, except for a pet used an identifiable disability assisted pet.

7. Destruction or misuse of the facilities provided.
8. Body or hair washing on premises including use of soap, shampoo or other cleaning agents.

9. Leaving trash in a non-designated site.

10. Use of port-a-toilets as a trash receptacle.

11. Wearing of disposable diapers in the water (Recommend “Swimmies”).

12. Motorcraft moored or launched from beach areas.

13. Waterskiing launched from beach areas.


15. Activities which endanger persons or willful damage to any public property at the beach or beach parking facilities, including but not limited to, bathrooms, picnic areas, rocks, fencing, trees, brush or other vegetation.

Section 6. Enforcement

This Ordinance may be enforced by any duly authorized law enforcement officer, as well as other individuals specifically designated by the Board of Selectmen, including Recreation Department staff.

Section 7. Penalty

Any person found in violation of this Ordinance shall be subject to a fine payable to the Town of Poland of not more than $100.00. Each individual occurrence or infraction shall be considered a separate violation.

First time and minor violations of this ordinance not involving any property damage, injury, or cost to the town of Poland will be enforced by means of a written warning issued by a duly authorized law enforcement officer or Recreation Department designee.

Any violations that result in any property damage, injury to others, or that involves either repeated violations by the same individual or results in any expenses to the Town as a result of the violation may be subject to the issuance of a summons for such violations. The summons will notify the alleged violator of the date, time and court in which the notice of violation will be heard. If the Town prevails in any enforcement action under this section, it will be entitled to an award of its costs of prosecution, including its reasonable attorney’s fees, in addition to penalties and any costs of repair or replacement resulting from the violation.

Section 8. Severability

Should any portions of this Ordinance be declared invalid by court, the remaining portions of this Ordinance shall remain in full force and effect.

Section 9. Effective Date.

This Ordinance shall take effect upon adoption by the Town of Poland.

Adopted by Town Meeting vote April 2, 2011.
To Judith A. Akers, Town Clerk

A certified copy of an ordinance entitled **Poland Fire and Rescue Department Ordinance** (0603203 Enactment Version) to be voted on at a special town meeting scheduled for June 16, 2003.

Given under our hands this 3rd day of June 2003.

David W. Corcoran, Chairman

Patricia A. Nash

Glenn P. Peterson

Lionel C. Ferland, Jr., Vice Chairman

Stephen E. Robinson

A majority of the Municipal Officers Poland, Maine

June 4, 2003

A true copy attest of an ordinance entitled Poland Fire and Rescue Department Ordinance (0603203 Enactment Version) to be voted on at the June 16, 2003, Special Town Meeting, as certified to me by the Municipal Officers of the Town of Poland, Maine.

Judith A. Akers
Town Clerk of Poland

**ENACTED** 6-16-03

Judith A. Akers
Town Clerk of Poland
The purpose of this Ordinance is to establish the “Poland Fire and Rescue Department” as a municipal department of the Town of Poland pursuant to the home rule authority granted in Title 30-A M.R.S.A § 3001.

ARTICLE 100 - NAME

101. Name: The organization shall be known as the “Poland Fire and Rescue Department” (the “Department”).

ARTICLE 200 - PURPOSE

201. Poland Protection: The primary purpose of the Department shall be to prevent and extinguish fires within the Town of Poland, to handle emergencies affecting the health, safety and welfare, and to provide rescue, and medical transport services for all persons within the Town of Poland, and elsewhere by prior agreement.

202. Cooperation with Other Communities: The Department may also assist other municipalities as its resources are available and may be needed in a cooperative effort for all of these purposes, and will comply with any written agreements signed by the Selectmen. The Selectmen shall have authority to enter into written agreements with other municipalities on a recommendation of the Fire Chief and the Town Manager.

ARTICLE 300 - ORGANIZATION

301. The Department shall be a “Municipal fire department” established pursuant to Title 30-A M.R.S.A. §3151(1) and (1-A) as amended to prevent and extinguish fires, and to provide emergency medical services as authorized by this ordinance through the operation of a municipal rescue and ambulance service as an integral function of the Department. It shall be a department within the Town of Poland.

ARTICLE 400 - MEMBERSHIP

401. Members: The membership shall include individual residents and non-residents of the Town of Poland, who are at least 18 years old, and who have been accepted as members of the Department as described in section 404.

402. Fire and Rescue Sections: Individuals may either be Fire Members (Firefighters), Rescue Members, or both. These two groups will be known as the Fire Section and the Rescue Section.

402.1 Personnel of the Fire Section are primarily responsible for the prevention and extinguishing of fires, extrication duties at motor vehicle accidents, and other services as may be required to provide for public safety.

402.2 Personnel of the Rescue Section are primarily responsible for
providing rescue, emergency medical assistance and ambulance transport services consistent with the Department’s and individual’s level of licensure, as well as other services as may be required to provide for public safety.

402.3 Department personnel may become members of either or both sections of the department, consistent with the member’s availability and level of training attained.

403. **Number of Members:** The Selectmen will determine the number of members necessary for the effective operations of the Department, acting on a recommendation of the Fire Chief and the Town Manager.

404. **Application for Membership:** All applications for membership in the Department must be approved by the Chief for whichever Section the applicant wishes to join. Members must meet all membership standards described in any Poland Fire and Rescue Department Member Qualifications and Expectations document which may be adopted and amended by the Board of Selectmen (“Member Qualifications and Expectations”). All new memberships will be probationary for a six-month period, followed by a review of their performance by the Fire Chief officers in their Section before full membership status is achieved. Full membership shall be considered for approval only after successful completion of the probationary period.

405. **Junior Firefighters:** Any resident of Poland of the age 16 or 17 may be accepted as a Junior Firefighter in accordance with section 404, after meeting the membership standards described in the Member Qualifications and Expectations and all requirements of Maine law.

406. **Compensation:** Members may be compensated consistent with the Department’s appropriation provided through the Town budget process and the applicable provisions of the Town’s Position Classification and Pay Plan.

**ARTICLE 500 - RULES AND REGULATIONS/STANDARD OPERATING GUIDELINES**

501. **Rules, Regulations and SOGs:** The Poland Fire/Rescue Rules and Regulations/Standard Operating Guidelines (“SOG Document”) are hereby made a part of this Ordinance. The SOG document will include information from current departmental Job descriptions, Employee Handbooks and SOP’s. The SOG Document provides a detailed description of operating rules for emergency situations, member qualifications and training standards, and officer responsibilities.

502. **Amendment:** The SOG Document may be amended by the Selectmen, upon a recommendation of the Fire Chief and Town Manager. All amendments must be consistent with this Ordinance, Maine state law, and other applicable laws, ordinances and regulations.
503. Emergency Rules, Regulations and SOGs: The Fire Chief shall have the authority to adopt emergency rules, regulations, or SOGs when necessary to respond to immediate needs or changes in circumstances. These rules, regulations and SOGs may not be effective for more than 45 days.

ARTICLE 600 - DISCIPLINE, SUSPENSION AND DISMISSAL

601. Causes for Discipline or Suspension: Causes for discipline, suspension and/or dismissal include, but are not limited the following:

1. Those matters described in applicable sections of the Poland Personnel Policy.

2. Misrepresenting, falsifying or withholding information on the application for membership to the Department or on any Department records.

3. Failure to follow orders of the Fire Chief or superior officers.

4. Failure to respond when on call for Rescue.

5. Discriminatory words or conduct relating to any protected class of people, including sex, race, religion, national origin, age and disability.

6. Attending any meeting or training session, responding to an emergency call, or doing any other activity for the Department while under the influence of unlawful drugs or alcohol.

602. Grievance Procedure: All grievances will be handled in accordance with applicable provisions of the Poland Personnel Policy as it may be amended. All members will be treated as employees under that policy for the purposes of grievances only.

603. Disciplinary Procedure: All discipline, suspensions, and dismissals shall be handled in accordance with applicable provisions of the Poland Personnel Policy as it may be amended. All members will be treated as employees under that policy for the purposes of disciplinary action only.

Article 700 - APPOINTMENT OF OFFICERS

701. Appointment of Fire Chief: The Fire Chief shall be hired by the Town Manager, with the approval of the Selectmen, after reviewing input from Poland Firefighters and EMT’s. The hiring will be based on education, training, professional credentials, and relevant experience. See the Member Qualifications and Expectations for the qualifications for this position. The Fire Chief shall be a paid employee of the town and considered a Department Head/Supervisor under its Personnel Policy.
702. **Number of Officers:** The Fire Chief shall select the Department’s officers from call personnel on the basis of training, credentials earned, and relevant experience.

703. **Qualifications for Officers:** See the Member Qualifications and Expectations for the qualifications for all officer positions.

704. **Appointment of Officers and Officials:**

The Fire Chief will appoint with the Town Manager’s approval the following officers annually, consistent with the department’s operational needs, or as needed to fill vacancies.

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**ARTICLE 800 - POWERS AND DUTIES OF FIRE CHIEF, OFFICERS AND OFFICIALS**

801. **Chain of Command:** The chain of command in each Section shall be the Fire Chief, Assistant Fire Chief, Deputy Chief of Section, Captains and Lieutenants. All other officers and officials shall follow all orders of and report to the Fire Chief. The Fire...
Chief shall determine who has the higher rank between officers with the same rank.

802. Fire Chief: The Fire Chief shall exercise the duties and powers described in Title 30-A M.R.S.A. §3153 (see sections below), as it may be amended from time to time, except as described in this Ordinance, and as follows:

1. Generally, direct and control all officers and members of the Department in the performance of their duties.

2. Direct and control all municipal and volunteer firefighters in the performance of firefighting operations. (§2A)

3. Provide a training program for firefighters and rescue personnel within the municipality in cooperation with appropriate governmental agencies. (§2B)

4. Provide for the maintenance of all fire equipment owned by the municipality and buildings used by the municipal fire department. (§2C)

5. Prepare and submit annually to the Town Manager a line item budget related to fire protection and rescue activities. (§2D) The budget will be reviewed by the officers for input prior to presentation to the Town Manager.

6. Suppress disorder and tumult at the scene of a fire and, generally to direct all operations to prevent further destruction and damage. (§2E)

7. Exercise the powers relating to municipal fire protection and rescue as described in Article 500.

8. Together with the Town Manager appoint officers and officials, and employ fire and rescue personnel in the Department as described in Article 700

9. Obtain assistance from persons at the scene of a fire to extinguish the fire and protect persons and property from injury. (§3C)

10. Pull down and demolish structures and outbuildings if the Fire Chief judges it necessary to prevent the spread of fire. (§3D)

11. Exercise the power of the fire inspector with respect to dangerous buildings described in 25 M.R.S.A §2360, as it may be amended from time to time.

12. Exercise the power to bring civil actions, with the approval of the Town Manager, described in 25 M.R.SA §2361, as it may be amended from time to time.

13. Issue fire permits as the Fire Warden in accordance with Maine Department of Conservation rules and regulations.
14. Exercise any other powers and duties described in this Ordinance and
powers of fire chiefs and fire wardens generally as described in Maine state and/or
federal laws and regulations.

803. Officers Duties: See the Member Qualifications and Expectations for the
duties of all officers and other officials

ARTICLE 900 - DEPARTMENT ASSETS AND FUNDS

901. Municipal Appropriation: All funds raised or appropriated for the
Department at town meeting shall be treated as municipal funds under Title 30-A
M.R.S.A. §5652 et seq, as amended. No expenditures of Department funds may be made
unless approved by the Selectmen on a properly subscribed disbursement warrant.

902. Other Funding: All funds raised or donated to the Department in the
Town of Poland's or the Poland Fire and Rescue Department's name, by Department
personnel or any Auxiliary Association, which are held or deposited in an account
bearing the Town’s tax identification number for department equipment or other
purposes, shall be treated as municipal funds pursuant to Title 30-A M.R.S.A. §5652 et
seq, as amended. The Selectmen may authorize or approve expenditure of these funds in
accordance with its Policy on Purchases regarding Donated Funds, as it may be amended
from time to time.

Funds raised or donated in the name of any association or auxiliary to the
department and held in an account bearing a tax identification number other than that of
the Town of Poland’s are not subject to the requirements regarding municipal funds
pursuant to the provisions of Title 30-A M.R.S.A. §5652 et seq, as amended. However,
the provisions of the Selectmen’s Policy on Purchases regarding Donated Funds apply to
any equipment that is purchased for the department with such funds.

903. Other Assets and Equipment: Other assets and equipment of the Department
shall be considered property of the Town of Poland.

904. Acceptance of Gifts: If any funds or other assets and equipment are given to
the Town or Department as conditional gifts, then the Selectmen at town meeting shall
comply with all conditions of Title 30-A M.R.S.A. §5654, as amended. All unconditional
gifts shall be considered at town meeting in accordance with Title 30-A M.R.S.A. §5655,
as amended.

ARTICLE 1000 - AMENDMENTS

1001. Amendments: This Ordinance may only be amended at a Poland Town
Meeting. The Board of Selectmen shall have the sole authority to amend SOG
documents as set forth in section 502 of this Ordinance.

06032003 Enactment Version
ARTICLE 1100 - EFFECTIVE DATE

1101. Effective Date: This ordinance shall take effect on the date the Board of
Selectmen certifies to the Town Clerk that a permanent Fire Chief has been appointed,
but not later than January 1, 2004.

1102. Repeal of Conflicting Ordinances: The Poland Fire Department
Ordinance and the Poland Rescue Department Ordinances Approved on June 11, 1983
are repealed on the effective date of this ordinance.
If your community has no ordinances restricting or prohibiting the use of consumer fireworks in your community, then Maine Public Law Chapter 416, provides the following applicable guidelines for using these products.

1. § 223-A. §§ 8 (A) Consumer fireworks may be used between the hours of 9:00 a.m. and 10 p.m., except that on the following dates they may be used between the hours of 9:00 a.m. and 12:30 a.m. the following day:
   (1) July 4th;
   (2) December 31st; and
   (3) The weekends immediately before and after July 4th and December 31st.

2. § 223-A. §§ 8 (B) A person may use consumer fireworks only on that person’s property or on the property of a person who has consented to the use of consumer fireworks on that property.

   A person who violates this subsection commits a civil violation for which a fine of not less than $50 and not more than $500, plus court costs, may be adjudges for any one offense.

3. § 223-A. §§ 11 (D) A person under 21 years of age may not purchase, use or possess consumer fireworks within the State of Maine.

4. § 221-A, §§ 1-A The following products are prohibited for use in Maine.

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

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

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

For additional information contact:

Tim Fuller
Office of the State Fire Marshal
45 Commerce Center Drive, Ste. 1
Augusta, Maine 04330
(207) 626-3870
MASS Gatherings

Enacted April 5, 2008

The Town of Poland hereby adopts:

Section I Title: Mass Gathering Ordinance

Section II Purpose and Authority:

WHEREAS, the Inhabitants of the Town of Poland are concerned about serious public health and safety problems that may result when crowds assemble for any organized event. Such assemblies may lead to serious problems involving public health and safety;

WHEREAS, matters relating to waste disposal, potable water, first aid, obstruction and damage to road and highway, violation of alcohol and controlled substance laws, and destruction of both public and private property are of great concern;

THEREFORE, the following ordinance is hereby adopted in the interest of promoting the general welfare, public health, and providing for public safety.

Section III: License Required

No person, corporation, partnership, association or group of any kind shall sponsor, promote or conduct any pageant, amusement show, theatrical performance, or other mass outdoor gathering where there is expected, or will be in fact a total number of attendees in excess of three hundred (300) people for 6 or more hours without procuring a license therefore from the Poland Board of Selectmen (hereinafter the Board.).

Section IIIa: Exceptions to Licensure

Owners of facilities specifically designed for entertaining, housing and physically caring for 200 or more guests or campers are exempt from this Ordinance. Municipally-promoted events are also exempted from licensure under this Ordinance.

Section IV: License Request Deadline

Any person seeking issuance of a mass gathering license must make application therefore to the Board no later than 21 days prior to the event.

Section V: License Fees

There shall be paid at the time of processing the application for an assembly license a fee of $50.00.

Section VI: Contents of Request

No license shall be granted by the Board unless the applicant satisfies the Board that proper facilities will be available for the proposed event in the area to be used and that adequate precautions have been taken to ensure the public health and safety of attendees and the general public.

Section VII: Standards for Issuance

The Board shall issue a license to the applicant in the event that the Board determines that the applicant has the ability to comply with and complies with the following standards, considering the size, duration and nature of the proposed event:

- Adequate supplies of potable water shall be available and reasonably spaced throughout the area.
- Adequate toilet facilities shall be available;
- Area to be used is adequately equipped with containers for disposal of solid waste and garbage and that provisions are made for the prompt removal and disposal of such wastes and garbage.
- Adequate first aid facilities shall be provided and staffed;
- Adequate parking facilities are available in the area in which the event is to be held;
- Determine that the event will not impair the safety and orderly flow of traffic on public ways; and
- That adequate police protection be provided;
- That adequate fire protection is provided.
· Make any additional determination reasonably necessary for the Board to find that the applicant shall continue to comply with the standards set forth above for issuance of the license as of the date of the event.

· The sound of the mass gathering should not carry unreasonably beyond the boundaries of the mass gathering area.

· The time of day when the event shall disburse fully shall not exceed 11:30 pm on Sunday through Thursday, nor 1:00 a.m. of the following day on a Friday or Saturday event.

**Section VIII: Private Landowner Authority**

In the event that private property is to be used in connection with such event, the applicant shall file with the Board adequate proof that the applicant has authority from any landowner upon which the event is to be held to use his or her property.

**Section IX: Plan of Area**

The applicant shall furnish a plan showing the size of the area to be used with designated locations for drinking water, toilet and washing facilities, waste containers, first aid facilities and available parking.

**Section X Duties of Licensee**

A. The licensee shall comply with all conditions of any license issued hereunder and with all applicable local, state and federal laws and ordinances.

B. The licensee, or its designee, shall make available to any Selectmen, Sheriff's Deputy, or to the Code Enforcement Officer, any license issued hereunder during the entire course of the event.

**Section XI: Violation and Penalties**

Any person or persons found guilty of violating this Ordinance or who fails to comply with any stated permit condition or restriction commits a violation of this ordinance. The Board may assess a penalty on a per-day basis. The minimum penalty for a specific violation is $500 per day, with a maximum penalty of $2,500. Any person found guilty of violating this Ordinance shall also be responsible for any legal fees incurred by the Town of Poland. A violation to each individual section above, or any individual condition of the permit, shall constitute a separate violation.

**Section XII: Revocation**

The Poland Code Enforcement Officer, after a hearing by the Board of Selectmen, shall have the authority to revoke any license issued hereunder in consequence of a violation of any conditions of the license or any noncompliance with the standards for issuance of a license.

**Section XIII: Enforcement**

The Poland Board of Selectmen, the Poland Code Enforcement Officer, or any duly sworn Law Enforcement Officer may enforce the provisions of this Ordinance.

**Section XIV: Savings Clause**

If any section or part thereof, sentence, clause or phrase of this Ordinance shall be held to be invalid, the remaining provisions thereof shall remain in full force and effect.
TOWN OF POLAND
MOBILE VENDOR'S LICENSE POLICY

PURPOSE: The purpose of this policy is to insure that no person or company shall engage in the sale and/or distribution of any product of any sort by foot, cart, vehicle or other mobile device for a period of greater than two (2) days within one (1) calendar week without first having obtained a Mobile Vendor's License.

EFFECTIVE DATE OF POLICY: January 1, 2011

VALIDATION: The Mobile Vendor License shall be valid for one (1) year from the date of issuance.

FEE(S): License applications shall be accompanied by a fee of five hundred dollars ($500.00) per year of the license requested. The application will be directed to the Town Manager for review. The Board of Selectmen shall act upon said application at their next regularly scheduled meeting.

APPLICATION REVIEW: The Board of Selectmen will review the application based upon the applicant having appropriate place(s) for the mobile vendor operation, previous experience, available parking, previous complaints or violations of the law and other operational issues.

RESTRICTIONS: Mobile Vendors may not operate within the right-of-way of any public or private roadway, inconvenience public travel in any way and may not operate on any town owned property. Mobile vendors are restricted to operating on privately owned property with owner(s) written consent.

LICENSE REVOCATION AND REINSTATEMENT: Mobile Vendor Licenses may be suspended, revoked or denied by a majority vote of the Board of Selectmen for reasonable cause as deemed to be in the best interest of the Town, specifically complaints of trespassing on private property where the vendor is unwanted, for doing business on Town owned property, for blocking traffic, annoying local residents, or complaints of poor health related conditions associated with the mobile vending operation.

A public hearing shall be held prior to a license being revoked, suspended or denied. The Town shall issue a written notification to the licensee with the reason(s) why the License will be revoked, suspended or denied which shall include a scheduled public hearing date. Such public hearing shall take place no later than twenty (20) working days from the date of written notification.

If it is the Board’s decision to revoke, suspend or deny the license, the vendor may apply for reinstatement of the Mobile Vendor License no earlier than six (6) months from the date of the Board’s decision.

VISIBLE LICENSE: Vendors will keep the approved license prominently displayed at all times that they are conducting business.

FINES: Operating as a Mobile Vendor without an approved and current license will result in a fine of $100.00 for a first offense, and $200.00 for subsequent offenses.

INSPECTIONS: Vendors shall be subject to periodic inspections by the town’s Health Officer.

EXEMPTIONS: Any business that operates a mobile vendor type operation on their own business property and that mobile vendor operation is clearly secondary to their primary business is exempt from this policy. All local municipal and non-profit organizations are also exempt.
TOWN OF POLAND
1231 Maine Street, Poland, Maine 04274
(207) 998-4601

Mobile Vendor License Application

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<tr>
<th>Applicant's Information</th>
<th>Business Information</th>
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<tbody>
<tr>
<td>Name:</td>
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<tr>
<td>Address:</td>
<td>Owner of Business:</td>
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<td>Phone:</td>
<td>Product(s) that will be sold:</td>
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<tr>
<th>Vehicle Information and Operators</th>
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<td>Locations That the Vehicle Will Park/Frequent:</td>
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<td>Dates License Shall Be Used:</td>
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<td>Name of person(s), DOB &amp; Driver’s License number of those who will be operation vehicle:</td>
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<tr>
<td>State Operating License Number:</td>
<td></td>
</tr>
<tr>
<td>Other Pertinent Information:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fees/Penalties</th>
<th></th>
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<tbody>
<tr>
<td>Please include Mobile Vendor License Fee in the amount of $500 (per year) with submission of license application. Operating as a Mobile Vendor without an approved and current license will result in a fine of $100.00 for a first offense, and $200.00 for subsequent offenses.</td>
<td></td>
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</tbody>
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<table>
<thead>
<tr>
<th>Application Review</th>
<th></th>
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<tbody>
<tr>
<td>The Selectmen will review this application at their next regularly scheduled meeting, and will notify you of the status of the license. Date of Meeting: / / 7PM</td>
<td></td>
</tr>
</tbody>
</table>

FOR OFFICE USE ONLY

<table>
<thead>
<tr>
<th>BOARD OF SELECTMEN - APPROVED</th>
<th>BOARD OF SELECTMEN - DENIED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approval Dates: FROM TO</td>
<td>Reason Denied:</td>
</tr>
<tr>
<td>Signature: Chairman of the Board</td>
<td>Signature: Chairman of the Board</td>
</tr>
</tbody>
</table>

License Issued: / / Signature: Town Clerk or Deputy Clerk
PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE

Administration by the Efficiency Maine Trust

PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE.

PREAMBLE

WHEREAS, the 124th Maine Legislature has enacted Public Law 2009, Chapter 591, “An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act”; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy (“PACE”) Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the City/Town, financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, the Municipality wishes to establish a PACE program; and

NOW THEREFORE, the Municipality hereby enacts the following Ordinance:

ARTICLE I - PURPOSE AND ENABLING LEGISLATION

§ XX-1 Purpose

By and through this Chapter, the Town of Poland declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town. The Town declares its purpose and the provisions of this Chapter/Ordinance to be in conformity with federal and State laws.

§ XX-2 Enabling Legislation

The Town enacts this Chapter/Ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature -- “An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act” (codified at 35-A M.R.S.A. § 10151, et seq.).

ARTICLE II - TITLE AND DEFINITIONS

§ XX-3 Title

This Chapter/Ordinance shall be known and may be cited as “the Town of Poland Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).

§ XX-4 Definitions
Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings; as used in this Ordinance, the following words and phrases shall have the meanings indicated:

1. **Energy saving improvement.** “Energy saving improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:

   A. Will result in increased energy efficiency and substantially reduced energy use and:
      (1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or
      (2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or

   B. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.

2. **Municipality.** “Municipality” shall mean the Town of Poland.

3. **PACE agreement.** “Pace agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.

4. **PACE assessment.** “PACE assessment” means an assessment made against qualifying property to repay a PACE loan.

5. **PACE district.** “Pace district” means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.

6. **PACE loan.** “PACE loan” means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.

7. **PACE mortgage.** “PACE mortgage” means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.

8. **PACE program.** “PACE program” means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.

9. **Qualifying property.** “Qualifying property” means real property located in the PACE district of the Municipality.

10. **Renewable energy installation.** “Renewable energy installation” means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources,
including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas
to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems
eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable
Energy Bonds.

11. **Trust.** “Trust” means the Efficiency Maine Trust established in 35-A M.R.S.A.
§ 10103 and/or its agent(s), if any.

ARTICLE III - PACE PROGRAM

1. **Establishment; funding.** The Municipality hereby establishes a PACE program allowing
owners of qualifying property located in the PACE district who so choose to access financing for energy
saving improvements to their property through PACE loans administered by the Trust or its agent.
PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2)
adopt and implement a local public outreach and education plan, 3) enter into a PACE administration
contract with the Trust to establish the terms and conditions of the Trust’s administration of the
municipality’s PACE program, and 4) agree to assist and cooperate with the Trust in its administration
of the municipality’s PACE program.

2. **Amendment to PACE program.** In addition, the Municipality may from time to time amend
this Ordinance to use any other funding sources made available to it or appropriated by it for the express
purpose of its PACE program, and the Municipality shall be responsible for administration of loans
made from those other funding sources.

ARTICLE IV – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST

1. **Standards adopted; Rules promulgated; model documents.** If the Trust adopts standards,
promulgates rules, or establishes model documents subsequent to the Municipality’s adoption of this
Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the
Municipality shall take necessary steps to conform this Ordinance and its PACE program to those
standards, rules, or model documents.

ARTICLE V – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

1. **Program Administration**

   A. **PACE Administration Contract.** Pursuant to 35-A M.R.S.A. §10154(2)(A)(2) and (B),
the Municipality will enter into a PACE administration contract with the Trust to administer the
functions of the PACE program for the Municipality. The PACE administration contract with
the Trust will establish the administration of the PACE program including, without limitation,
that:

   i. the Trust will enter into PACE agreements with owners of qualifying property in
the Municipality’s PACE district;
ii. the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;

iii. the Trust, or its agent, will disburse the PACE loan to the property owner;

iv. the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;

v. the Trust, or its agent, will be responsible for collection of the PACE assessments;

vi. the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;

vii. the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

B. Adoption of Education and Outreach Program. In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

C. Assistance and Cooperation. The Municipality will assist and cooperate with the Trust in its administration of the Municipality’s PACE program.

D. Assessments Not a Tax. PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

2. Liability of Municipal Officials; Liability of Municipality

A. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

B. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article V, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.